

JENNER & BLOCK LLP

Kenneth K. Lee (Cal. Bar No. 264296)

klee@jenner.com

633 West 5th Street, Suite 3500

Los Angeles, CA 90071-2054

Phone: (213) 239-5100

Facsimile: (213) 239-5199

JENNER & BLOCK LLP

Dean N. Panos (*pro hac vice*)

dpanos@jenner.com

Stacy S. Jakobe (*pro hac vice*)

sjakobe@jenner.com

Jill M. Hutchison (*pro hac vice*)

jhutchison@jenner.com

353 N. Clark Street

Chicago, IL 60654-3456

Phone: (312) 222-9350

Fax: (312) 527-0484

Attorneys for Defendants Kraft Foods Global, Inc., improperly sued as Kraft Foods North America, and Kraft Foods Inc.

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

EVANGELINE RED and RACHEL WHITT, on Behalf of Themselves and All Others Similarly Situated,

Plaintiffs,

vs.

KRAFT FOODS INC., KRAFT FOODS NORTH AMERICA, and KRAFT FOODS GLOBAL, INC.,

Defendants.

No. CV10-01028 (GW) (AGRX)

DECLARATION OF KENNETH K. LEE IN SUPPORT OF KRAFT FOODS GLOBAL, INC.'S POSITION IN JOINT STIPULATION REGARDING PLAINTIFFS' MOTION TO COMPEL

Judge: Hon. George H. Wu

Action Filed: February 11, 2010

1 I, Kenneth K. Lee, declare:

2 1. I am a lawyer at Jenner & Block LLP, which represents Kraft Foods in
3 this matter. I submit this declaration in support of Kraft Foods' Position in Joint
4 Stipulation Regarding Plaintiffs' Motion to Compel Responses to Requests for
5 Production and Interrogatories and Produce Witnesses Pursuant to Rule 30(b)(6). I
6 have personal knowledge of the facts set forth below, and if called to testify regarding
7 them, I could do so competently.

8 2. Attached as Exhibit A is a true and correct copy of the transcript of the
9 January 13, 2011 hearing before Judge Wu in this matter.

10 3. Attached as Exhibit B is a true and correct copy of Plaintiffs' First Set of
11 Interrogatories to Defendant Kraft Foods Global, Inc.

12 4. Attached as Exhibit C is a true and correct copy of Plaintiffs' Notice of
13 Taking Rule 30(b)(6) Deposition of Defendants.

14 5. Attached as Exhibit D is a true and correct copy of Plaintiffs' First Set of
15 Requests for the Production of Documents to Defendant Kraft Foods Global, Inc.

16 6. Attached as Exhibit E is a true and correct copy of Kraft Foods Global,
17 Inc.'s Answers to Plaintiffs' First Set of Interrogatories

18 7. Attached as Exhibit F is a true and correct copy of Kraft Foods Global,
19 Inc.'s Objections to Plaintiffs' Notice of Taking Rule 30(b)(6) Deposition of
20 Defendants.

21 8. Attached as Exhibit G is a true and correct copy of Kraft Foods Global,
22 Inc.'s Response to Plaintiffs' First Set of Requests for the Production of Documents.

23 9. Attached as Exhibit H is a true and correct copy of the April 30, 2011
24 letter that Dean Panos and I received from Greg Weston.

25 10. Attached as Exhibit I is a true and correct copy of the May 26, 2011 e-
26 mail that I received from Jack Fitzgerald.

27 DECLARATION OF KENNETH K. LEE IN SUPPORT OF KRAFT FOODS GLOBAL, INC.'S
28 POSITION IN JOINT STIPULATION REGARDING PLAINTIFFS' MOTION TO COMPEL
CV10-01028 (GW) (AGRX)

Exhibit A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
Case NO.: 2:10-CV-01028-GW (AGRx)
Pleading Type: Class Action

-----*
EVANGELINE RED and RACHEL WHITT, on
Behalf of Themselves and All Others
similarly situated,

Plaintiffs,

vs.

KRAFT FOODS, INC., KRAFT FOODS NORTH
AMERICA, and KRAFT FOODS GLOBAL, INC.,

Defendants.
-----*

DEPOSITION OF: JAMES LOW
DATE TAKEN: April 26, 2011
Livingston, NJ

Job # 37708
Reporter: Faith Kringer

1 case. Theirs is a case of degree, your Honor, which you just
2 said. It is, well, you say this and that's true, but there
3 are some other ingredients in there that may be of greater
4 significance than the other. That's not an omission case,
5 that's not a misrepresentation case.

6 THE COURT: Well, yes, but if you look at what
7 *Williams* talks about, *Williams* talks about the use of the
8 words *fruit juice* juxtaposed alongside of images of fruits
9 such as oranges, peaches, strawberries, cherries, when the
10 only juice that's contained in there was white grape juice
11 from concentrate. Either you, you know --

12 MR. PANOS: Your Honor, if you -- if you saw that
13 Gerber packaging, you would probably understand why they kept
14 the case alive. It had nothing to do with this language, and
15 it was not at all this case.

16 THE COURT: Yes, but unfortunately *Williams* doesn't
17 include a picture of that in its decision. And also, the
18 other factors -- I mean, the stuff that I cited on Page 2,
19 again, you know -- well, let's put it this way. I understand
20 the defense position, and I'm not saying that in the end the
21 plaintiffs are going to win, but I'd say for purposes of
22 where we are now, let's get this case going, and we'll see
23 what happens. That being said, the next matter that's been
24 scheduled is what for this case?

25 MR. PANOS: Actually nothing.

Exhibit B

1 **THE WESTON FIRM**
2 GREGORY S. WESTON (239944)
3 JACK FITZGERALD (257370)
4 888 Turquoise Street
5 San Diego, CA 92109
6 Telephone: 858 488 1672
7 Facsimile: 480 247 4553
8 greg@westonfirm.com
9 jack@westonfirm.com

10 Counsel for Plaintiffs

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13 EVANGELINE RED, and RACHEL
14 WHITT, on behalf of themselves and
15 all others similarly situated,

16 Plaintiffs,

17 v.

18 KRAFT FOODS, INC., KRAFT
19 FOODS NORTH AMERICA, and
20 KRAFT FOODS GLOBAL, INC.,

21 Defendants.

Case No.: 2:10-cv-01028-GW(AGRX)
Pleading Type: Class Action

**PLAINTIFFS' FIRST SET OF
INTERROGATORIES ADDRESSED
TO KRAFT FOODS GLOBAL, INC.**

Judge: The Hon. George Wu
Action Filed: February 11, 2010

22 PROPOUNDING PARTY: PLAINTIFFS Evangeline Red and Rachel Whitt.
23 RESPONDING PARTY: DEFENDANT Kraft Foods Global, Inc.
24 SET: One

25 Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiffs
26 Evangeline Red and Rachel Whitt hereby serve these Interrogatories on Defendant
27 Kraft Foods Global, Inc. Pursuant to the Court's Scheduling Order dated February
28 2, 2011 (Dkt. No. 84), Defendant is required to respond to these Interrogatories by

1 March 2, 2011. Defendant shall serve such responses upon Plaintiffs, by and
2 through their attorneys of record herein, as required by Fed. R. Civ. P. 26 and 33.

3
4 **I. DEFINITIONS AND INSTRUCTIONS**

5 1. "YOU" and "YOUR" mean the defendant responding to these
6 Requests, and, where applicable, any predecessors and/or successors in interest,
7 present and former parents, subsidiaries, divisions and affiliates, and present and
8 former directors, employers, employees, attorneys, agents, other representatives
9 and all other PERSONS acting under their control or on their behalf.

10 2. "PERSON" means natural PERSONS, proprietorships, public or
11 private corporations, partnerships, trusts, joint ventures, groups, associations,
12 organizations or other legal entities, including representatives of any such
13 PERSON or PERSONS.

14 3. The term "CONCERNING" means relating to, referring to,
15 describing, evidencing or constituting.

16 4. "DOCUMENT" is defined to be synonymous and equal in scope to
17 usage of this term in Rule 34(a) of the Federal Rules of Civil Procedure. A copy or
18 duplicate of a DOCUMENT which has any non-conforming notes, marginal
19 annotations or other markings, and any preliminary version, draft or revision of the
20 foregoing is a separate DOCUMENT within the meaning of this term.
21 DOCUMENTS include, by way of example only, any memorandum, letter,
22 envelope, correspondence, electronic mail, report, note, Post-It, message, telephone
23 message, telephone log, diary, journal, appointment calendar, calendar, group
24 scheduler calendar, drawing, painting, accounting paper, minutes, working paper,
25 financial report, accounting report, work papers, drafts, facsimile, report, contract,
26 invoice, record of purchase or sale, Teletype message, chart, graph, index,
27 directory, computer directory, computer disk, computer tape, or any other written,
28 printed, typed, punched, taped, filmed, or graphic matter however produced or

1 reproduced. DOCUMENTS also include the file, folder tabs, and labels appended
2 to or containing any DOCUMENTS.

3 5. "COMMUNICATION" means the transmission, sending and/or
4 receipt of information of any kind by and/or through any means including, but not
5 limited to speech, writings, language (computer, foreign or otherwise), computer
6 electronics of any kind (including, but not limited to "email"), magnetic tape,
7 videotape, photographs, graphs, symbols, signs, magnetic and/or optical disks,
8 "floppy disks," compact discs, CD ROM discs, sound, radio and/or video signals,
9 telecommunication, telephone, teletype, facsimile, telegram, microfilm,
10 microfiche, photographic film of all types and/or other media of any kind. The
11 term "COMMUNICATION" also includes, without limitation, all
12 "DOCUMENTS" (as defined herein) and all inquiries, discussions, conversations,
13 negotiations, agreements, understandings, MEETINGS, notices, requests,
14 responses, demands, complaints, and/or press, publicity or trade releases.

15 6. "MEETING," "MEET," or "MET" means any assembly, convocation,
16 encounter, or contemporaneous presence of two or more PERSONS for any
17 purpose, whether planned or not planned, arranged or scheduled in advance during
18 which a communication of any kind occurred and shall include, but not be limited
19 to, formal gatherings, conversations, video conferences, and telephone calls.

20 7. "MARKETING" or "MARKET" means all activities involved in the
21 distribution of a PRODUCT including, without limitation, advertising, locating and
22 contacting prospective customers, attempting to sell, making sales presentations,
23 selling, preparing and submitting bids, shipping PRODUCTS, servicing customers
24 and the supervision and management of the same.

25 8. "CLASS PERIOD" refers to January 1, 2000 to the present.

26 9. "PRODUCT" means a manufactured packaged food item made by
27 YOU identified in the Complaint, i.e., Teddy Grahams Chocolatey Chip Graham
28 Snacks, Teddy Grahams Honey Graham Snacks, Vegetable Thins Baked Snack

1 Crackers, Ritz Crackers Roasted Vegetable, Ritz Crackers Hint of Salt, Ritz
2 Crackers Reduced Fat, Ritz Crackers Whole Wheat, Original Premium Saltine
3 Crackers, Honey Maid Honey Grahams, Honey Maid Low Fat Honey Grahams,
4 and Ginger Snaps, and shall further include any PRODUCTS subsequently added
5 to the Complaint by amendment.

6 10. The singular form of a word should be interpreted as plural wherever
7 necessary to bring within the scope of the request any information that might
8 otherwise be construed outside its scope.

9 11. The words "and" and "or" shall be construed either disjunctively or
10 conjunctively wherever necessary to bring within the scope of this request any
11 information that might otherwise be construed outside its scope.

12
13 **II. INTERROGATORIES**

14 **INTERROGATORY NO. 1:**

15 Identify all PRODUCTS YOU sold during the CLASS PERIOD, including
16 but not limited to the PRODUCTS, that contained partially hydrogenated oil, and
17 for each such PRODUCT (a) identify the amount of revenue YOU received from
18 its sale during the CLASS PERIOD; and (b) the time period during the Class
19 Period which such products that contained partially hydrogenated oil were sold or
20 manufactured by YOU.

21 **INTERROGATORY NO. 2:**

22 Identify each of YOUR employees involved in the MARKETING,
23 advertising, and/or promotion of YOUR PRODUCTS and for each individual (a)
24 state his or her employer and title, (b) describe the nature of his or her
25 involvement, and (c) identify his or her address of employment.

26 **INTERROGATORY NO. 3:**

27 Identify the amount of partially hydrogenated oil and trans fat for each
28 PRODUCT during the CLASS PERIOD to the nearest one hundred milligrams and

1 any changes thereto.

2 INTERROGATORY NO. 4:

3 Provide on a quarterly basis the net sales and cost of goods sold attributable
4 to the sale of the PRODUCTS in the United States during the CLASS PERIOD, as
5 these terms are used in Generally Accepted Accounting Practices.

6 INTERROGATORY NO. 5:

7 Provide on a quarterly basis the advertising and promotional expenses
8 attributable to the sale of the PRODUCTS in the United States during the CLASS
9 PERIOD.

10 INTERROGATORY NO. 6:

11 State the amount of money YOU spent on the advertising and promotion of
12 the PRODUCTS in the United States for each year in the CLASS PERIOD or
13 fraction thereof.

14 INTERROGATORY NO. 7:

15 Identify all PERSON(S) involved at any time in the creation of advertising
16 for the PRODUCTS by stating each PERSON(S) name, title, employer, business
17 address, department or division, whether the PERSON is currently employed by
18 YOU and, if not, the PERSON'S last known home address, business address, and
19 telephone number.

20 INTERROGATORY NO. 11:

21 Identify the name, address, and phone number of any advertising agencies
22 YOU used during the CLASS PERIOD for services relating to the PRODUCTS.

23 INTERROGATORY NO. 12:

24 Identify to the best of YOUR knowledge and ability, the number of
25 consumers who purchased YOUR PRODUCTS in the United States during the
26 CLASS PERIOD, and state the basis for YOUR response.

27 INTERROGATORY NO. 13:

28 Identify, by name and address, all stores and/or distributors carrying YOUR

1 PRODUCTS in the United States during the CLASS PERIOD, including the name
2 and address of all such stores and distributors.

3 INTERROGATORY NO. 14:

4 State whether YOU intend to contest in opposition to class certification that
5 the numerosity, commonality, typicality and adequacy requirements of Federal
6 Rules of Civil Procedure 23(a)(1)-(4) and, if YOU do intend to contest any such
7 requirement, describe substantively and in full each basis therefor, and identify any
8 documentary, testimonial or other evidence on which you intend to rely in
9 contesting any such requirement.

10 INTERROGATORY NO. 14:

11 Identify any expert with whom YOU consulted and any expert whose
12 testimony YOU intend to rely upon in opposing class certification.

13
14
15 Dated: February 2, 2011

/s/ Gregory S. Weston

Gregory S. Weston

17 **THE WESTON FIRM**
18 GREGORY S. WESTON
19 JACK FITZGERALD
20 888 Turquoise Street
21 San Diego, CA 92109
22 Telephone: 858 488 1672
23 Facsimile: 480 247 4553

*Counsel for Plaintiffs and the
Proposed Classes*

Exhibit C

THE WESTON FIRM
GREGORY S. WESTON (239944)
JACK FITZGERALD (257370)
888 Turquoise Street
San Diego, CA 92109
Telephone: (858) 488-1672
Facsimile: (480) 247-4553
greg@westonfirm.com
jack@westonfirm.com

Counsel for Plaintiff and the Proposed Classes

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

EVANGELINE RED and RACHEL
WHITT, on Behalf of Themselves and
All Others Similarly Situated,

Plaintiffs,

v.

KRAFT FOODS INC., KRAFT
FOODS NORTH AMERICA, and
KRAFT FOODS GOLBAL, INC.,

Defendants.

Case No: CV 10-00927 GW AGRx
Pleading Type: Class Action

**PLAINTIFF'S NOTICE OF
TAKING RULE 30(B)(6)
DEPOSITION OF DEFENDANTS**

Judge: The Hon. George Wu

1 Pursuant to the Federal Rule of Civil Procedure 30(b)(6), Plaintiffs will take
2 before a notary public or officer duly authorized to administer oaths in the State of
3 California, one or more depositions of Defendants Kraft Foods Inc., Kraft Foods
4 North America, and Kraft Foods Global, Inc. ("Defendants") by the person or
5 persons most knowledge about:

6 1. The advertising and marketing of Teddy Grahams, Vegetable Thins,
7 Ritz Crackers, Original Premium Saltine Crackers, Honey Maid Grahams, and
8 Ginger Snaps (the "Kraft PHVO Products") from January 2000 to the present (the
9 "Class Period").

10 2. The creation, makeup, formula, recipe, and/or ingredients in the Kraft
11 PHVO Products throughout the Class Period.

12 3. The manufacture and distribution of the Kraft PHVO Products
13 throughout the Class Period.

14 4. Sales numbers and figures concerning the Kraft PHVO Products
15 throughout the Class Period.

16 5. The geographic scope of sales of the Kraft PHVO Products
17 throughout the Class Period.

18 6. Profit and revenue from the sale of the Kraft PHVO Products
19 throughout the Class Period.

20 7. Defendants' compliance with the Federal Food, Drug and Cosmetic
21 Act, its implementing regulations, and any other federal or state law, statute,
22 regulation, rule or requirement affecting the manufacture, distribution, marketing,
23 advertising and sale of the Kraft PHVO Products throughout the Class Period.

24 8. Defendants' knowledge of, study of, or research relating to the effects
25 of the Kraft PHVO Products on consumers' health.

26 9. Defendants' knowledge of, study of, or research relating to the effects
27 or impact of its advertising of the Kraft PHVO Products during the Class Period on
28 consumers' perceptions of the Kraft PHVO Products.

1 10. Defendants' knowledge of, study of, or research relating to the effects
2 or impact of its advertising of the Kraft PHVO Products during the Class Period on
3 consumers' purchases of the Kraft PHVO Products.

4 11. Defendants' knowledge of, study of, or research relating to the effects
5 or impact of its advertising of the Kraft PHVO Products during the Class Period on
6 Defendants' revenue and profit.

7 12. Defendant's document retention policies.

8 13. Defendants' records relating to the Products.

9 14. Defendants' internal systems relating to the Kraft PHVO Products (for
10 example, systems used by Defendants' employees involved in the creation,
11 marketing, manufacture, distribution, sale and tracking of the Kraft PHVO
12 Products relating to electronic communications, bookkeeping, record-keeping,
13 finance, sales and distribution, etc.).

14 These depositions may be videotaped and Plaintiffs provide notice to
15 Defendants and other parties to this action that the deposition may be used at the
16 trial. Defendants shall identify the persons who will speak on its behalf on each
17 topic above at least seven days before the deposition(s). The taking of these
18 deposition(s) may be adjourned day to day until completed, and may occur over
19 several days if more than one person is necessary to provide the information
20 requested.

21 Dated: February 2, 2011

/s/ Gregory S. Weston

22 Gregory S. Weston
23 **THE WESTON FIRM**
24 GREGORY S. WESTON
25 JACK FITZGERALD
26 888 Turquoise Street
27 San Diego, CA 92109
28 Telephone: 858 488 1672
Facsimile: 480 247 4553
Counsel for Plaintiffs and the
Proposed Classes

Exhibit D

THE WESTON FIRM
GREGORY S. WESTON (239944)
JACK FITZGERALD (257370)
888 Turquoise Street
San Diego, CA 92109
Telephone: 858 488 1672
Facsimile: 480 247 4553
greg@westonfirm.com
jack@westonfirm.com

Counsel for Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

EVANGELINE RED and RACHEL
WHITT, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

KRAFT FOODS INC., KRAFT
FOODS NORTH AMERICA, and
KRAFT FOODS GLOBAL, INC.,

Defendants.

Case No.: 2:10-cv-01028-GW(AGRX)
Pleading Type: Class Action

**PLAINTIFFS' FIRST SET OF
REQUESTS FOR THE
PRODUCTION OF DOCUMENTS
FROM KRAFT FOODS GLOBAL,
INC.**

Judge: The Hon. George Wu
Action Filed: February 11, 2010

PROPOUNDING PARTY: PLAINTIFFS Evangeline Red and Rachel Whitt.

RESPONDING PARTY: DEFENDANT Kraft Foods Global, Inc.

SET: One

Pursuant to Rules 26 and 34 the Federal Rules of Civil Procedure, Plaintiffs
Evangeline Red and Rachel Whitt hereby request that Defendant Kraft Foods
Global, Inc. produce for inspection and copying all DOCUMENTS, as defined

herein, that are specified in this Request. Pursuant to the Court's Scheduling Order dated February 2, 2011 (Dkt. No. 84), Defendant is required to respond by March 2, 2011, and production shall be made to the Weston Firm, 888 Turquoise Street, San Diego, CA 92109. Defendant shall also serve upon Plaintiffs, by and through their attorneys of record herein, the written response as required by Fed. R. Civ. P. 26 and 34.

I. DEFINITIONS AND INSTRUCTIONS

1. "YOU" and "YOUR" mean the defendant responding to these Requests, and, where applicable, any predecessors and/or successors in interest, present and former parents, subsidiaries, divisions and affiliates, and present and former directors, employers, employees, attorneys, agents, other representatives and all other PERSONS acting under their control or on their behalf.

2. "PERSON" means natural PERSONS, proprietorships, public or private corporations, partnerships, trusts, joint ventures, groups, associations, organizations or other legal entities, including representatives of any such PERSON or PERSONS.

3. "DOCUMENT" is defined to be synonymous and equal in scope to usage of this term in Rule 34(a) of the Federal Rules of Civil Procedure. A copy or duplicate of a DOCUMENT which has any non-conforming notes, marginal annotations or other markings, and any preliminary version, draft or revision of the foregoing is a separate Document within the meaning of this term. DOCUMENTS include, by way of example only, any memorandum, letter, envelope, correspondence, electronic mail, report, note, Post-It, message, telephone message, telephone log, diary, journal, appointment calendar, calendar, group scheduler calendar, drawing, painting, accounting paper, minutes, working paper, financial report, accounting report, work papers, drafts, facsimile, report, contract, invoice, record of purchase or sale, Teletype message, chart, graph, index, directory,

1 computer directory, computer disk, computer tape, or any other written, printed,
2 typed, punched, taped, filmed, or graphic matter however produced or reproduced.
3 DOCUMENTS also include the file, folder tabs, and labels appended to or
4 containing any DOCUMENTS.

5 4. "COMMUNICATION" means the transmission, sending and/or
6 receipt of information of any kind by and/or through any means including, but not
7 limited to speech, writings, language (computer, foreign or otherwise), computer
8 electronics of any kind (including, but not limited to "email"), magnetic tape,
9 videotape, photographs, graphs, symbols, signs, magnetic and/or optical disks,
10 "floppy disks," compact discs, CD ROM discs, sound, radio and/or video signals,
11 telecommunication, telephone, teletype, facsimile, telegram, microfilm,
12 microfiche, photographic film of all types and/or other media of any kind. The
13 term "COMMUNICATION" also includes, without limitation, all
14 "DOCUMENTS" (as defined herein) and all inquiries, discussions, conversations,
15 negotiations, agreements, understandings, Meetings, notices, requests, responses,
16 demands, complaints, and/or press, publicity or trade releases.

17 5. "MEETING," "MEET," or "MET" means any assembly, convocation,
18 encounter, or contemporaneous presence of two or more PERSONS for any
19 purpose, whether planned or not planned, arranged or scheduled in advance during
20 which a communication of any kind occurred and shall include, but not be limited
21 to, formal gatherings, conversations, video conferences, and telephone calls.

22 6. "MARKETING" or "MARKET" means all activities involved in the
23 distribution of a PRODUCT including, without limitation, advertising, locating and
24 contacting prospective customers, attempting to sell, making sales presentations,
25 selling, preparing and submitting bids, shipping products, servicing customers and
26 the supervision and management of the same.

27 7. "RELATING TO" means in whole or in part constituting, containing,
28 CONCERNING, discussing, referring, describing, analyzing, identifying,

1 evidencing, or stating.

2 8. "CONCERNING" means and includes relating to, referring to,
3 describing, discussing, analyzing, identifying, evidencing, containing, stating, or
4 constituting.

5 9. "CLASS PERIOD" refers to January 1, 2000 to the present.

6 10. "PRODUCT" means a manufactured packaged food item made by
7 YOU identified in, the currently-operative Complaint, *i.e.*, Teddy Grahams
8 Chocolatey Chip Graham Snacks, Teddy Grahams Honey Graham Snacks,
9 Vegetable Thins Baked Snack Crackers, Ritz Crackers Roasted Vegetable, Ritz
10 Crackers Hint of Salt, Ritz Crackers Reduced Fat, Ritz Crackers Whole Wheat,
11 Original Premium Saltine Crackers, Honey Maid Honey Grahams, Honey Maid
12 Low Fat Honey Grahams, and Ginger Snaps, and shall further include any products
13 subsequently added to the Complaint by amendment

14 11. The singular form of a word should be interpreted as plural wherever
15 necessary to bring within the scope of the request any information that might
16 otherwise be construed outside its scope.

17 12. The words "and" and "or" shall be construed either disjunctively or
18 conjunctively wherever necessary to bring within the scope of this request any
19 information that might otherwise be construed to be outside its scope.

20 13. In responding to this Request, YOU are required to furnish all
21 DOCUMENTS that are available to YOU, including DOCUMENTS in the
22 possession, custody or control of YOUR attorneys, officers, agents, employees,
23 accountants, consultants, representatives, or any PERSONS directly or indirectly
24 employed by or connected with YOU or YOUR attorneys or anyone else subject to
25 YOUR control. All DOCUMENTS that are responsive, in whole or in part, to any
26 portion of this Request shall be produced in their entirety, including all
27 attachments.

28 14. All DOCUMENTS should be produced as they are kept in the

1 ordinary course of business or should be organized and labeled to correspond to the
2 specific requests to which they are responsive. All DOCUMENTS should be
3 produced in any file folder or carton in which they have been maintained, and
4 should be stored, clipped, stapled, or otherwise arranged in the same form and
5 manner in which they were found.

6 15. Electronic stored information ("ESI") should be produced in the
7 following formats:

8 **A. NATIVE FILES.** For ESI originally created using common, off-the-
9 shelf software (e.g., Microsoft Office products), YOU should produce
10 DOCUMENTS in native format. If YOU are unable to produce certain
11 DOCUMENTS in native format, YOU should describe the reason for the inability
12 (e.g., the document was created using proprietary software).

13 **B. TIFFs/JPEGs.** For ESI created using proprietary software or
14 otherwise unable to be produced in native format, black and white images should
15 be delivered as 300 D.P.I. Group IV compression single page TIFFs and color
16 images should be delivered as single page JPEGs. Images shall be clearly labeled
17 to show redacted, privileged material. Each image should have a unique file name
18 and should be named with the Bates number assigned to it. For any hard-copy
19 DOCUMENTS scanned to ESI, either for production or in the regular course of
20 business, any such ESI images (whether in tiff, jpeg, pdf, or some other format)
21 should be produced so that they are either text-readable, or along with a concurrent
22 Optical Character Recognition (OCR) file. Extracted OCR files for scanned
23 document should be provided within the Concordance delimited file (DAT).

24 **C. DATABASE LOAD FILES/CROSS-REFERENCE FILES.**
25 DOCUMENTS should be provided with (1) a Concordance delimited file (DAT),
26 and (2) an Opticon delimited file (LOG or OPT).

27 **D. UNITIZING OF DOCUMENTS.** In scanning paper DOCUMENTS,
28 distinct DOCUMENTS should not be merged into a single record, and single

1 DOCUMENTS should not be split into multiple records (i.e., paper DOCUMENTS
2 should be logically unitized).

3 **E. PARENT-CHILD RELATIONSHIPS.** Parent-child relationships
4 (the association between an attachment and its parent document) should be
5 preserved.

6 **F. TEXT.** Extracted text for electronic files should be provided within
7 the Concordance delimited file (DAT).

8 **G. OBJECTIVE CODING FIELDS.** The following objective coding
9 fields should be provided for each electronic document converted to TIFF:

- 10 • Beginning Bates Number
- 11 • Ending Bates Number
- 12 • Beginning Attachment Number
- 13 • Ending Attachment Number
- 14 • Source/Custodian.

15 **H. OBJECTIVE CODING FORMAT.** The objective coding
16 information should be provided in the following format:

- 17 • Fields should be Pipe (|) delimited.
- 18 • String values within the file should be enclosed with Carats (^).
- 19 • Multi-entries in a field should have a semi-colon (;) delimiter.
- 20 • The first line should contain headers and below the first line there
21 should be exactly one line for each document.

22 Each line of objective coding information, corresponding to a single
23 document, must contain the same number of fields as the header row.

24 16. If and to the extent that YOU object to any request, state with
25 specificity all grounds for any such objection.

26 17. Unless otherwise indicated, each matter or request listed below shall
27 cover the period from January 1, 2000 to the present.

28 18. If YOU assert any claim of privilege to object to any request, and

1 YOU withhold DOCUMENTS based on that asserted privilege, state the title and
2 nature of the DOCUMENT(S), and furnish a list signed by the attorney of record
3 giving the following information with respect to each withheld Document: (a) the
4 name and title of the author and/or sender and the name and title of the recipient;
5 (b) the date of the Document's origination; (c) the name of each PERSON or
6 PERSONS participating in the preparation of the Document; (d) the name and
7 position, if any, of each PERSON to whom the contents of the Document have
8 been communicated by copy, exhibition, reading, or substantial summarization; (e)
9 a statement of the specific basis on which privilege is claimed and whether or not
10 the subject matter or the contents of that Document is limited to legal advice or
11 information provided for the purpose of securing legal advice; and (f) the identity
12 and position, if any, of the other PERSON or PERSONS supplying the attorney
13 signing the list with the information requested in subparagraphs above.

14 19. In the event that any Document called for by these requests has been
15 destroyed or discarded, identify that Document by stating the title (if known) and
16 nature of the Document and furnish a list signed by the attorney of record giving
17 the following information with respect to each Document: (a) any addressor or
18 addressee; (b) any indicated or blind copies; (c) the Document's date, subject
19 matter, number of pages, and attachments or appendices; (d) all PERSONS to
20 whom the Document was distributed, shown, or explained; (e) its date of
21 destruction or discard and the manner of destruction or discard; and (f) the
22 PERSONS authorizing or carrying out such destruction or discard.

23 20. The following requests are continuing in nature and in the event YOU
24 become aware of or acquire additional information relating or referring thereto,
25 such additional information is to be promptly produced.

1 **II. REQUESTS FOR PRODUCTION OF DOCUMENTS**

2 **REQUEST NO. 1**

3 All advertisements CONCERNING the PRODUCTS used during the
4 CLASS PERIOD.

5 **REQUEST NO. 2**

6 All of YOUR document retention policies in effect during the CLASS
7 PERIOD.

8 **REQUEST NO. 3**

9 Organization charts sufficient to show YOUR employees who, during the
10 CLASS PERIOD, were involved in MARKETING, manufacturing, or developing
11 any of the PRODUCTS.

12 **REQUEST NO. 4**

13 DOCUMENTS sufficient to show the identity of any suppliers, vendors or
14 distributors involved in the MARKETING, manufacturing, or developing of any of
15 the PRODUCTS during the CLASS PERIOD.

16 **REQUEST NO. 5**

17 All DOCUMENTS on which YOU intend to rely in opposition to class
18 certification.

19 **REQUEST NO. 6**

20 All DOCUMENTS summarizing the sales, Generally Accepted Accounting
21 Principles, attributable to the sale of the PRODUCTS in the United States during
22 the CLASS PERIOD.

23 **REQUEST NO. 7**

24 All DOCUMENTS summarizing the cost of goods sold attributable to the
25 sale of the PRODUCTS in the United States during the CLASS PERIOD.

26 **REQUEST NO. 8**

27 All DOCUMENTS summarizing the advertising and promotional expenses
28 attributable to the sale of the PRODUCTS in the United States during the CLASS

1 PERIOD.

2 REQUEST NO. 9

3 All DOCUMENTS summarizing the research and development expenses
4 attributable to the PRODUCTS during the CLASS PERIOD.

5 REQUEST NO. 10

6 All DOCUMENTS summarizing the operating income, as defined under
7 Generally Accepted Accounting Principles, attributable to the sale of the
8 PRODUCTS in the United States during the CLASS PERIOD.

9 REQUEST NO. 11

10 All DOCUMENTS summarizing the gross margin, Generally Accepted
11 Accounting Principles, for the PRODUCTS and any other similar products not
12 containing trans fat manufactured, sold or licensed for sale by YOU in the United
13 States during the CLASS PERIOD.

14 REQUEST NO. 12

15 All DOCUMENTS or COMMUNICATIONS sent or received by YOU from
16 or to any health care professional, science-related organization or nutrition-related
17 organization regarding the PRODUCTS, including, but not limited to, letters,
18 correspondence and reports.

19 REQUEST NO. 13

20 All DOCUMENTS that refer to or discuss the United States Food and Drug
21 Administration and the advertising, MARKETING, sale or distribution of the
22 PRODUCTS.

23 REQUEST NO. 14

24 Exemplars of all sales materials, promotional materials and advertisements,
25 including, but not limited to, print, radio, and television advertisements, packaging,
26 product labeling and point of sale literature which in anyway refer to, depict and/or
27 discuss the PRODUCTS, including all versions and drafts.

28 REQUEST NO. 15

1 Exemplars of all packaging, labeling, instructions, package inserts and
2 informational brochures relating to the PRODUCTS, including all versions, drafts,
3 and revisions.

4 REQUEST NO. 16

5 All DOCUMENTS RELATING TO, constituting or comprising
6 substantiation of claims made by YOU about the PRODUCTS to third parties
7 during the CLASS PERIOD, including requests by third parties for claims
8 substantiation and YOUR response(s).

9 REQUEST NO. 17

10 All DOCUMENTS that evidence, discuss, or reflect when and where print,
11 radio or television advertisements relating to the PRODUCTS were disseminated
12 in the United States during the CLASS PERIOD including, without limitation,
13 media plans.

14 REQUEST NO. 18

15 All DOCUMENTS which evidence, memorialize, summarize or discuss any
16 decision about how to MARKET or advertise the PRODUCTS in the United States
17 during the CLASS PERIOD.

18 REQUEST NO. 19

19 All DOCUMENTS which constitute, evidence, embody, refer to or discuss
20 any focus group report, consumer survey, study, report, poll or any other
21 MARKETING analysis or research conducted in connection with the promotion,
22 advertising, packaging, labeling, distribution or sale of the PRODUCTS during the
23 CLASS PERIOD.

24 REQUEST NO. 20

25 All DOCUMENTS which evidence, reflect, or discuss any potential or
26 actual revisions or modifications made in the packaging or advertisement of the
27 PRODUCTS.

28 REQUEST NO. 21

1 All DOCUMENTS which evidence, reflect or RELATE TO any
2 MARKETING analysis or surveys which compare on any basis, the PRODUCTS
3 to any other similar products, including YOUR own products.

4 REQUEST NO. 22

5 All DOCUMENTS sent to retailers, distributors, or healthcare professionals
6 regarding or constituting the MARKETING, promotion, advertisement or sale of
7 the PRODUCTS.

8 REQUEST NO. 23

9 All DOCUMENTS which reflect, summarize, analyze or discuss the pricing
10 of the PRODUCTS, including wholesale or retail prices.

11 REQUEST NO. 24

12 All general ledgers, trial balances, monthly, quarterly, semiannual, and
13 annual financial reports reflecting revenues, profits and/or losses from the sale of
14 the PRODUCTS in the United States during the CLASS PERIOD.

15 REQUEST NO. 25

16 All DOCUMENTS YOU sent to, or received from, any accountant or
17 accounting firm, regarding revenues, profits and/or losses from the sale of the
18 PRODUCTS in the United States during the CLASS PERIOD.

19 REQUEST NO. 26

20 All DOCUMENTS YOU prepared regarding revenues, profits and/or losses
21 from the sale of the PRODUCTS in the United States during the CLASS PERIOD.

22 REQUEST NO. 27

23 All DOCUMENTS and COMMUNICATIONS relating to or
24 CONCERNING periodic (annual, monthly, weekly, etc.) financial budgets or plans
25 regarding revenues, profits and/or losses from the sale of the PRODUCTS in the
26 United States during the CLASS PERIOD.

27 REQUEST NO. 28

28 All audited financial statements (or portions thereof) regarding revenues,

1 profits and/or losses from the sale of the PRODUCTS in the United States during
2 the CLASS PERIOD.

3 REQUEST NO. 29

4 DOCUMENTS sufficient to show in which U.S. states the PRODUCTS
5 were available during the CLASS PERIOD, including any changes thereto.

6 REQUEST NO. 30

7 For each of YOUR PRODUCTS, DOCUMENTS sufficient to show the
8 amount and percentage of units manufactured in the United States that were
9 manufactured entirely in California for each year of the CLASS PERIOD.

10 REQUEST NO. 31

11 For each of YOUR PRODUCTS, DOCUMENTS sufficient to show the
12 amount and percentage of units manufactured in the United States that were
13 manufactured partly in California for each year of the CLASS PERIOD.

14 REQUEST NO. 32

15 For each of YOUR PRODUCTS, DOCUMENTS sufficient to show the
16 amount and percentage of sales in the United States that were sold in California for
17 each year of the CLASS PERIOD.

18 REQUEST NO. 33

19 For each of YOUR PRODUCTS, DOCUMENTS sufficient to show the
20 amount and percentage of funds spent on television advertisements in California
21 media markets relative to the amount and percentage of funds spent on television
22 advertisements that did not reach California media markets, for each year during
23 the CLASS PERIOD.

24 REQUEST NO. 34

25 For any advertisement of any PRODUCT that ran on television during the
26 CLASS PERIOD, DOCUMENTS sufficient to show (a) the location where the
27 advertisement was produced and filmed, and (b) the company or companies that
28 produced and filmed the advertisement.

1 REQUEST NO. 35

2 For each of YOUR PRODUCTS, DOCUMENTS sufficient to show or
3 calculate YOUR total revenue from the sale of such PRODUCTS in the United
4 States for each year in the CLASS PERIOD.

5 REQUEST NO. 36

6 For each of YOUR PRODUCTS, DOCUMENTS sufficient to show or
7 calculate YOUR total profit from the sale of PRODUCTS in the United States for
8 each year in the CLASS PERIOD.

9 REQUEST NO. 37

10 All DOCUMENTS constituting or RELATING TO advertisements during
11 the CLASS PERIOD for the following PRODUCTS:

- 12 1. Teddy Grahams Chocolatey Chip Graham Snacks
- 13 2. Teddy Graham Honey Graham Snacks
- 14 3. Vegetable Thins Baked Snack Crackers
- 15 4. Ritz Crackers Roasted Vegetable
- 16 5. Ritz Crackers Hint Of Salt
- 17 6. Ritz Crackers Reduced Fat
- 18 7. Ritz Crackers Whole Wheat
- 19 8. Original Premium Saltine Crackers
- 20 9. Honey Maid Honey Grahams
- 21 10. Honey Maid Low Fat Honey Grahams
- 22 11. Ginger Snaps

23 REQUEST NO. 38

24 For each of the PRODUCTS, all labels used during the CLASS PERIOD,
25 and DOCUMENTS sufficient to show the period of time during which each such
26 label was used.

27 REQUEST NO. 39

28 For each of the PRODUCTS, all newspaper advertisements used during the

1 CLASS PERIOD and DOCUMENTS sufficient to show the period of time during
2 which each such advertisement was used.

3 REQUEST NO. 40

4 For each of the PRODUCTS, (a) all radio and television advertisements used
5 during the CLASS PERIOD, (b) transcriptions of each such radio and television
6 advertisement, and (c) DOCUMENTS sufficient to show the period of time during
7 which each such radio or television advertisement was used.

8 REQUEST NO. 41

9 For each of the PRODUCTS, all Internet advertising used during the CLASS
10 PERIOD, including native form HTML files and image files used on YOUR
11 internet sites.

12 REQUEST NO. 42

13 For each of the PRODUCTS, all other advertisements used during the
14 CLASS PERIOD including, without limitation, any direct mail, coupons, circulars,
15 fliers, or handouts, and DOCUMENTS sufficient to show the period of time during
16 which each such advertisement was used.

17 REQUEST NO. 43

18 For each of the PRODUCTS, DOCUMENTS sufficient to show the year and
19 date when YOU began producing the PRODUCT.

20 REQUEST NO. 44

21 DOCUMENTS sufficient to show the amount of partially hydrogenated oil
22 used in each of the PRODUCTS during the CLASS PERIOD, including any
23 changes thereto.

24 REQUEST NO. 45

25 DOCUMENTS sufficient to show the amount of high fructose corn syrup
26 used in each of the PRODUCTS during the CLASS PERIOD, including any
27 changes thereto.

28 REQUEST NO. 46

DOCUMENTS sufficient to show the amount and makeup of vegetable powder used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

REQUEST NO. 47

DOCUMENTS sufficient to show the amount of honey used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

REQUEST NO. 48

DOCUMENTS sufficient to show the amount of unbleached enriched flour used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

REQUEST NO. 49

DOCUMENTS sufficient to show the amount of graham flour used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

REQUEST NO. 50

DOCUMENTS sufficient to show the amount of ginger used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

REQUEST NO. 51

DOCUMENTS sufficient to show the amount of molasses used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

REQUEST NO. 52

DOCUMENTS sufficient to show the amount of disodium 5'-guanylate used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

REQUEST NO. 53

DOCUMENTS sufficient to show the amount of monosodium glutamate used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

REQUEST NO. 54

1 DOCUMENTS sufficient to show the amount of hydrolyzed soy and wheat
2 protein used in each of the PRODUCTS during the CLASS PERIOD, including
3 any changes thereto.

4 REQUEST NO. 55

5 All DOCUMENTS constituting or RELATING TO any internal studies,
6 market analyses, competitive analyses or other research RELATING TO the labels
7 of the PRODUCTS.

8 REQUEST NO. 56

9 All DOCUMENTS constituting or RELATING TO any internal studies,
10 market analyses, competitive analysis or other research CONCERNING actual or
11 anticipated consumer reactions to or perceptions of the PRODUCTS, including
12 without limitation the labeling of the PRODUCTS.

13 REQUEST NO. 57

14 All DOCUMENTS CONCERNING any projections, predictions, estimates,
15 forecasts, analyses, summaries, surveys, or reports RELATING TO the impact on
16 consumers (actual or projected) of advertising the PRODUCTS in any manner
17 alleged by Plaintiffs in the currently-operative Complaint to be unlawful,
18 including, for example, any such projections, predictions, estimates, forecasts,
19 analyses, summaries, surveys or reports RELATING TO any of the specific
20 labeling statements Plaintiffs challenge.

21 REQUEST NO. 58

22 All DOCUMENTS CONCERNING any projections, predictions, estimates,
23 forecasts, analyses, summaries, surveys, or reports RELATING TO the impact on
24 YOUR revenue and profit (actual or projected) of advertising the PRODUCTS in
25 any manner alleged by Plaintiffs in the currently-operative Complaint to be
26 unlawful, including, for example, any such projections, predictions, estimates,
27 forecasts, analyses, summaries, surveys or reports RELATING TO any of the
28 specific labeling statements Plaintiffs challenge.

1 REQUEST NO. 59

2 All DOCUMENTS RELATING TO the effects of artificial trans fat on
3 human or animal health.

4 REQUEST NO. 60

5 All DOCUMENTS RELATING TO or CONCERNING expert testimony
6 you intend to rely upon in opposing class certification.

7 REQUEST NO. 61

8 All DOCUMENTS received by you from customers or consumers of the
9 Products commenting or complaining about their content, labels, or adverse
10 reactions.

11
12
13 Dated: February 2, 2011

/s/ Gregory Weston

Gregory S. Weston

14
15 **THE WESTON FIRM**
16 GREGORY S. WESTON
17 JACK FITZGERALD
18 888 Turquoise Street
19 San Diego, CA 92109
20 Telephone: 858 488 1672
21 Facsimile: 480 247 4553

22
23
24
25
26
27
28
Counsel for Plaintiffs and the
Proposed Class

Exhibit E

JENNER & BLOCK LLP

Kenneth K. Lee (Cal. Bar No. 264296)

klee@jenner.com

633 West 5th Street, Suite 3500

Los Angeles, CA 90071-2054

Phone: (213) 239-5100

Facsimile: (213) 239-5199

JENNER & BLOCK LLP

Dean N. Panos (*pro hac vice*)

dpanos@jenner.com

Stacy S. Jakobe (*pro hac vice*)

sjakobe@jenner.com

Jill M. Hutchison (*pro hac vice*)

jhutchison@jenner.com

353 N. Clark Street

Chicago, IL 60654-3456

Phone: (312) 222-9350

Fax: (312) 527-0484

Attorneys for Defendants Kraft Foods Global, Inc., improperly sued as Kraft Foods North America, and Kraft Foods Inc.

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

EVANGELINE RED and RACHEL
WHITT, on Behalf of Themselves and
All Others Similarly Situated,

Plaintiffs,

vs.

KRAFT FOODS INC., KRAFT
FOODS NORTH AMERICA, and
KRAFT FOODS GLOBAL, INC.,

Defendants.

No. CV10-01028 (GW) (AGRX)

Pleading Type: Class Action

**DEFENDANT'S RESPONSES TO
PLAINTIFFS' FIRST SET OF
INTERROGATORIES
ADDRESSED TO KRAFT FOODS
GLOBAL, INC.**

Judge: Hon. George H. Wu
Action Filed: February 11, 2010

PROPOUNDING PARTY: PLAINTIFFS Evangeline Red and Rachel Whitt.

RESPONDING PARTY: Defendant Kraft Foods Global, Inc.

SET: One

1
2 Defendant Kraft Foods Global, Inc.¹ ("Kraft Foods"), by its attorneys Jenner &
3 Block LLP, answers Plaintiffs' First Set of Interrogatories Addressed to Kraft Foods
4 Global, Inc. as follows:

5
6 **I. GENERAL STATEMENT**

7 In answering Plaintiffs' Interrogatories, Kraft Foods has made reasonable efforts
8 to research documents and data regarding the subject matter of the present lawsuit.
9 These responses are based upon information presently available to Kraft Foods and its
10 attorneys and specifically known to the individuals who are preparing these responses.
11 It is possible that future discovery and independent investigation may supply
12 additional facts or information, add meaning to known facts, and may establish entirely
13 new factual conclusions and contentions, all of which may lead to substantial additions
14 to, changes in, and variations from the responses set forth here.

15 These responses are made without prejudice to the right of Kraft Foods to
16 provide additional evidence at the time of trial.

17
18 **II. GENERAL OBJECTIONS**

19 1. Kraft Foods objects to Plaintiffs' Interrogatories as premature and beyond
20 the scope of class certification issues. No class has yet been certified, and neither the
21 time period nor the geographic scope of the class claims have been confirmed by the
22 Court.

23 2. Kraft Foods objects to Plaintiffs' Interrogatories to the extent that they are
24 overly broad, unduly burdensome, vague, ambiguous, and not reasonably calculated to
25 lead to the discovery of admissible evidence.

26
27 ¹ Only Kraft Foods is a proper party to this suit. Nonetheless, Kraft Foods also responds to Plaintiffs'
28 First Set of Requests for the Production of Documents on behalf of Kraft Foods North America and Kraft Foods Inc.

1 3. Kraft Foods objects to Plaintiffs' Interrogatories to the extent that they
2 seek documents related to Kraft's marketing, sale, and distribution of products in states
3 other than California as not relevant and unduly burdensome.

4 4. Kraft Foods objects to Plaintiffs' Interrogatories to the extent that they
5 seek information going back ten years as beyond the applicable statute of limitations.
6 A three-year statute of limitations applies to CLRA claims, and a four-year statute of
7 limitations applies to the alleged UCL and FAL claims. Cal. Civ. Code § 1783; Cal.
8 Bus. & Prof. Code § 17208. Therefore, to the extent Kraft Foods agrees to provide
9 information, Kraft Foods will provide only information going back four years from the
10 date the initial Complaint was filed on February 11, 2010.

11 5. Kraft Foods objects to Plaintiffs' Interrogatories to the extent that they
12 seek information protected from disclosure by the attorney-client privilege, the work-
13 product doctrine, and/or any other applicable privilege or protection.

14 6. Kraft Foods objects to Plaintiffs' Interrogatories to the extent that they
15 seek information that is outside of Kraft Foods' possession, custody, or control.

16 7. Kraft Foods objects to Plaintiffs' Interrogatories to the extent that they
17 seek information that can be obtained from other sources, including public sources, in
18 a manner that is more convenient, less burdensome, and/or less expensive.

19 8. Kraft Foods objects to Plaintiffs' Interrogatories to the extent that they
20 purport to impose obligations upon Kraft Foods that are inconsistent with and/or in
21 addition to those obligations imposed by the applicable provisions of the Federal Rules
22 of Civil Procedure or applicable local rules.

23 9. Kraft Foods objects to Plaintiffs' Interrogatories to the extent that they
24 call for the disclosure of trade secrets or confidential, proprietary, or competitively
25 sensitive information. To the extent such information is responsive, relevant, and non-
26 privileged, Kraft Foods will produce such information pursuant to an appropriate
27 protective order agreed to by the parties.

1 10. Discovery and investigation are continuing. Therefore, Kraft Foods
2 reserves the right to revise, correct, supplement, or clarify its objections and responses
3 based upon the discovery of new and/or additional information.

4
5 **III. RESPONSES**

6
7 INTERROGATORY NO. 1:

8 Identify all PRODUCTS YOU sold during the CLASS PERIOD, including but
9 not limited to the PRODUCTS, that contained partially hydrogenated oil, and for each
10 such PRODUCT (a) identify the amount of revenue YOU received from its sale during
11 the CLASS PERIOD; and (b) the time period during the Class Period which such
products that contained partially hydrogenated oil were sold or manufactured by YOU.

12 RESPONSE: Kraft Foods incorporates by reference all of its General
13 Objections as if specifically stated herein. Kraft Foods specifically objects to
14 Plaintiffs' Interrogatory as seeking information that is not relevant to class
15 certification issues. Kraft Foods specifically objects to this Interrogatory on the
16 grounds that it is vague, ambiguous, overly broad, and unduly burdensome. In
17 particular, this Interrogatory is overly broad, unduly burdensome, and unlikely
18 to lead to the discovery of relevant evidence because it asks Kraft Foods to
19 identify and provide information regarding "all products" Kraft Foods sold that
20 contained partially hydrogenated oil, while the Plaintiffs' claims are limited to
21 specific products: Ritz Crackers, Original Premium Saltine Crackers, Vegetable
22 Thins, Ginger Snaps, and Teddy Grahams. Further, this Interrogatory is overly
23 broad and unduly burdensome because the temporal limit on the information
24 requested exceeds the applicable statute of limitations.

1 INTERROGATORY NO. 2:

2 Identify each of YOUR employees involved in the MARKETING, advertising,
3 and/or promotion of YOUR PRODUCTS and for each individual (a) state his or her
4 employer and title, (b) describe the nature of his or her involvement, and (c) identify
his or her address of employment.

5 RESPONSE: Kraft Foods incorporates by reference all of its General
6 Objections as if specifically stated herein. Kraft Foods specifically objects to
7 Plaintiffs' Interrogatory as seeking information that is not relevant to class
8 certification issues. Kraft Foods specifically objects to this Interrogatory on the
9 grounds that it is vague, ambiguous, overly broad, and unduly burdensome. In
10 particular, this Interrogatory is overly broad and unduly burdensome because it
11 asks Kraft Foods to identify "each of Your employees" involved in the
12 marketing, advertising and/or promotion of the Products and to describe each
13 person's role. Numerous individuals who potentially have information relating
14 to some portion of the listed subjects already have been identified by Kraft
15 Foods as part of its Federal Rules of Civil Procedure Rule 26 initial disclosures.
16 Further, this Interrogatory is overly broad and unduly burdensome because there
17 is no geographic or temporal limit on the employees for which this information
18 is requested.

19 INTERROGATORY NO. 3:

20 Identify the amount of partially hydrogenated oil and trans fat for each
21 PRODUCT during the CLASS PERIOD to the nearest one hundred milligrams and
22 any changes thereto.

23 RESPONSE: Kraft Foods incorporates by reference all of its General
24 Objections as if specifically stated herein. Kraft Foods specifically objects to
25 Plaintiffs' Interrogatory as seeking information that is not relevant to class
26 certification issues. Kraft Foods further objects to this Interrogatory on the
27

1 grounds that it is overly broad and unduly burdensome because the temporal
2 limit on the documents requested exceeds the applicable statute of limitations.

3
4 INTERROGATORY NO. 4:

5 Provide on a quarterly basis the net sales and cost of goods sold attributable to
6 the sale of the PRODUCTS in the United States during the CLASS PERIOD, as these
7 terms are used in Generally Accepted Accounting Practices.

8 RESPONSE: Kraft Foods incorporates by reference all of its General
9 Objections as if specifically stated herein. Kraft Foods specifically objects to
10 Plaintiffs' Interrogatory as seeking information that is not relevant to class
11 certification issues. Kraft Foods specifically objects to this Interrogatory as
12 unduly burdensome and vague to the extent that it asks Kraft Foods to determine
13 undefined "costs of goods sold." This Interrogatory is overly broad and unduly
14 burdensome because the temporal limit on the information requested exceeds
15 the applicable statute of limitations.

16 INTERROGATORY NO. 5:

17 Provide on a quarterly basis the advertising and promotional expenses
18 attributable to the sale of the Products in the United States during the Class Period.

19 RESPONSE: Kraft Foods incorporates by reference all of its General
20 Objections as if specifically stated herein. Kraft Foods specifically objects to
21 Plaintiffs' Interrogatory as seeking information that is not relevant to class
22 certification issues. Kraft Foods specifically objects to this Interrogatory as
23 unduly burdensome and vague to the extent that it asks Kraft Foods to determine
24 undefined "advertising and promotional expenses" on a "quarterly basis." This
25 Interrogatory also is overly broad and unduly burdensome because the temporal
26 limit on the information requested exceeds the applicable statute of limitations.

1 INTERROGATORY NO. 6:

2 State the amount of money YOU spent on the advertising and promotion of the
3 PRODUCTS in the United States for each year in the CLASS PERIOD or fraction
thereof.

4 RESPONSE: Kraft Foods incorporates by reference all of its General
5 Objections as if specifically stated herein. Kraft Foods specifically objects to
6 Plaintiffs' Interrogatory as seeking information that is not relevant to class
7 certification issues. Kraft Foods specifically objects to this Interrogatory as
8 unduly burdensome and vague to the extent that it asks Kraft Foods to determine
9 undefined "advertising and promotion" spending. This Interrogatory also is
10 overly broad and unduly burdensome because the temporal limit on the
11 information requested exceeds the applicable statute of limitations.

12
13 INTERROGATORY NO. 7:

14 Identify all PERSON(S) involved at any time in the creation of advertising for
15 the PRODUCTS by stating each PERSON(S) name, title, employer, business address,
16 department or division, whether the PERSON is currently employed by YOU and, if
not, the PERSON'S last known home address, business address, and telephone number.

17 RESPONSE: Kraft Foods incorporates by reference all of its General
18 Objections as if specifically stated herein. Kraft Foods specifically objects to
19 Plaintiffs' Interrogatory as seeking information that is not relevant to class
20 certification issues. Kraft Foods specifically objects to this Interrogatory on the
21 grounds that it is vague, ambiguous, overly broad, and unduly burdensome. In
22 particular, this Interrogatory is overly broad and unduly burdensome because it
23 asks Kraft Foods to identify "each Person" involved in the creation of
24 advertising for the Products over an undefined period of time. Numerous
25 individuals who potentially have information relating to some portion of the
26 listed subjects already have been identified by Kraft Foods as part of its Federal
27 Rules of Civil Procedure Rule 26 initial disclosures. Further, this Interrogatory

1 is overly broad and unduly burdensome because there is no geographic or
2 temporal limit on the employees for which this information is requested.

3
4 **INTERROGATORY NO. 11:**

5 Identify the name, address, and phone number of any advertising agencies YOU
6 used during the CLASS PERIOD for services relating to the PRODUCTS.

7 **RESPONSE:** Kraft Foods incorporates by reference all of its General
8 Objections as if specifically stated herein. Kraft Foods specifically objects to
9 Plaintiffs' Interrogatory as seeking information that is not relevant to class
10 certification issues. Kraft Foods further specifically objects to this Interrogatory
11 on the grounds that it is overly broad and unduly burdensome because there is
12 no geographic limit contained in this Interrogatory, and the temporal limit on the
13 information requested exceeds the applicable statute of limitations.

14 **INTERROGATORY NO. 12:**

15 Identify to the best of YOUR knowledge and ability, the number of consumers
16 who purchased YOUR PRODUCTS in the United States during the CLASS PERIOD,
17 and state the basis for YOUR response.

18 **RESPONSE:** Kraft Foods incorporates by reference all of its General
19 Objections as if specifically stated herein. Kraft Foods specifically objects to
20 this Interrogatory on the grounds that it is vague and ambiguous. In particular,
21 this Interrogatory is vague and ambiguous because it does not define
22 "consumer." To the extent "consumer" means an individual who purchased at
23 retail for consumption, Kraft Foods does not have responsive information
24 because Kraft Foods sells to its customers, who are not end-use consumers.
25 Kraft Foods further objects that this Interrogatory is overly broad and unduly
26 burdensome because the temporal limit on the information requested exceeds
27 the applicable statute of limitations.

1 INTERROGATORY NO. 13:

2 Identify, by name and address, all stores and/or distributors carrying YOUR
3 RPRODUCTS in the United States during the CLASS PERIOD, including the name
4 and address of all such stores and distributors.

5 RESPONSE: Kraft Foods incorporates by reference all of its General
6 Objections as if specifically stated herein. Kraft Foods specifically objects to
7 this Interrogatory on the grounds that it is overly broad and unduly burdensome.
8 In particular, this Interrogatory is overly broad and unduly burdensome because
9 the temporal limit on the information requested exceeds the applicable statute of
10 limitations.

11 Without waiving its General or Specific Objections, Kraft Foods responds
12 that Kraft Foods sells to its customers and does not have specific information as
13 to which retail outlets receive the Products from Kraft Foods' customers. As a
14 general matter, Kraft Foods believes that the Products are currently available for
15 purchase in California in large club stores and large retail groceries. Further
16 responding, Kraft Foods will supplement its Response with a list of customers
17 located in California who are or were distributors or retailers of some or all of
18 the Products during some or all of the time period covered by the applicable
19 statute of limitations.

20 INTERROGATORY NO. 14:

21 State whether YOU intend to contest in opposition to class certification that the
22 numerosity, commonality, typicality and adequacy requirements of Federal Rules of
23 Civil Procedure 23(a) (1)-(4) and, if YOU do intend to contest any such requirement,
24 describe substantively and in full each basis therefor, and identify any documentary,
25 testimonial or other evidence on which you intend to rely in contesting any such
26 requirement.

27 RESPONSE: Kraft Foods incorporates by reference all of its General
28 Objections as if specifically stated herein. Kraft Foods specifically objects to

1 this Interrogatory on the grounds that it is vague, ambiguous, overly broad,
2 unduly burdensome, and not reasonably ascertainable at the present time.

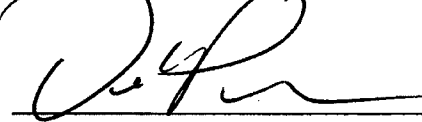
3
4 INTERROGATORY NO. 14[sic]:

5 Identify any expert with whom YOU consulted and any expert whose testimony
6 YOU intend to rely upon in opposing class certification.

7 RESPONSE: Kraft Foods incorporates by reference all of its General
8 Objections as if specifically stated herein. Kraft Foods specifically objects to
9 this Interrogatory on the grounds that it is vague, ambiguous, overly broad,
10 unduly burdensome, and not reasonably ascertainable at the present time.

11
12 Dated: March 1, 2011

KRAFT FOODS INC., KRAFT FOODS
NORTH AMERICA, and KRAFT
FOODS GLOBAL, INC.

14
15 

16 By one of their attorneys

17 JENNER & BLOCK LLP
18 Dean N. Panos (*pro hac vice*)
19 dpanos@jenner.com
20 Stacy S. Jakobe (*pro hac vice*)
21 sjakobe@jenner.com
22 Jill M. Hutchison (*pro hac vice*)
23 jhutchison@jenner.com
24 353 N. Clark Street
25 Chicago, IL 60654-3456
26 Phone: (312) 222-9350
27 Fax: (312) 527-0484

28 JENNER & BLOCK LLP
Kenneth K. Lee (Cal. Bar No. 264296)
633 West 5th Street, Suite 3500
Los Angeles, CA 90071-2054
Phone: (213) 239-5100
Fax: (312) 239-5199

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of March 2011, a copy of Defendant's Responses to Plaintiffs' First Set of Interrogatories Addressed to Kraft Foods Global, Inc. was served on the following parties by U.S. Mail and by e-mail:

Gregory S. Weston
The Weston Firm
888 Turquoise Street
San Diego, CA 92109
858-488-1672
480-247-4553 (fax)
greg@westonfirm.com

John Joseph Fitzgerald, IV
The Weston Firm
888 Turquoise Street
San Diego, CA 92109
858-488-1672
858-247-4553 (fax)
jack@westonfirm.com

Dated: March 1, 2011

KRAFT FOODS INC., KRAFT FOODS
NORTH AMERICA, and KRAFT
FOODS GLOBAL, INC.



By one of their attorneys

JENNER & BLOCK LLP
Dean N. Panos (*pro hac vice*)
dpanos@jenner.com
Stacy S. Jakobe (*pro hac vice*)
sjakobe@jenner.com
Jill M. Hutchison (*pro hac vice*)
jhutchison@jenner.com
353 N. Clark Street
Chicago, IL 60654-3456
Phone: (312) 222-9350

Fax: (312) 527-0484

JENNER & BLOCK LLP
Kenneth K. Lee (Cal. Bar. No. 264296)
633 West 5th Street
Los Angeles, CA 90071-2054
Phone: (213) 239-5100
Fax: (213) 239-5199

Attorneys for Defendants

Exhibit F

JENNER & BLOCK LLP

Kenneth K. Lee (Cal. Bar No. 264296)

klee@jenner.com

633 West 5th Street, Suite 3500

Los Angeles, CA 90071-2054

Phone: (213) 239-5100

Facsimile: (213) 239-5199

JENNER & BLOCK LLP

Dean N. Panos (*pro hac vice*)

dpanos@jenner.com

Stacy S. Jakobe (*pro hac vice*)

sjakobe@jenner.com

Jill M. Hutchison (*pro hac vice*)

jhutchison@jenner.com

353 N. Clark Street

Chicago, IL 60654-3456

Phone: (312) 222-9350

Fax: (312) 527-0484

Attorneys for Defendants Kraft Foods Global, Inc., improperly sued as Kraft Foods North America, and Kraft Foods Inc.

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

EVANGELINE RED and RACHEL
WHITT, on Behalf of Themselves and
All Others Similarly Situated,

Plaintiffs,

vs.

KRAFT FOODS INC., KRAFT
FOODS NORTH AMERICA, and
KRAFT FOODS GLOBAL, INC.,

Defendants.

No. CV10-01028 (GW) (AGRX)

Pleading Type: Class Action

**DEFENDANT'S OBJECTIONS TO
PLAINTIFF'S NOTICE OF
TAKING RULE 30(B)(6)
DEPOSITION OF DEFENDANTS**

Judge: Hon. George H. Wu
Action Filed: February 11, 2010

1 Defendant Kraft Foods Global, Inc.¹ ("Kraft Foods"), by its attorneys Jenner &
2 Block LLP, responds to Plaintiffs' Notice of Taking Rule 30(b)(6) Deposition of
3 Defendants as follows:

4 **I. GENERAL OBJECTIONS**

5 1. Kraft Foods objects to the topics of Plaintiffs' Notice as premature and
6 beyond the scope of class certification issues. No class has yet been certified, and
7 neither the time period nor the geographic scope of the class claims have been
8 confirmed by the Court.

9 2. Kraft Foods objects to the topics of Plaintiffs' Notice to the extent that
10 they are overly broad, unduly burdensome, vague, ambiguous, and not reasonably
11 calculated to lead to the discovery of admissible evidence.

12 3. Kraft Foods objects to Plaintiffs' Notice to the extent that it seeks
13 testimony related to Kraft Foods' marketing, distribution, and sale of products in states
14 other than California as not relevant and unduly burdensome.

15 4. Kraft Foods objects to the topics of Plaintiffs' Notice to the extent that
16 they seek information going back to 2000 as beyond the applicable statute of
17 limitations. A three-year statute of limitations applies to CLRA claims, and a four-
18 year statute of limitations applies to the alleged UCL and FAL claims. Cal. Civ. Code
19 § 1783; Cal. Bus. & Prof. Code § 17208. Therefore, to the extent Kraft Foods agrees
20 to provide responsive information, it will provide only information going back four
21 years from the date the initial Complaint was filed, February 11, 2010.

22 5. Kraft Foods objects to the topics of Plaintiffs' Notice to the extent that
23 they seek information protected from disclosure by the attorney-client privilege, the
24 work-product doctrine, and/or any other applicable privilege or protection.

25
26 ¹ Only Kraft Foods is a proper party to this suit. Nonetheless, Kraft Foods also responds to Plaintiffs'
27 Notice of Taking 30(b)(6) Deposition of Defendants on behalf of Kraft Foods North America and
28 Kraft Foods Inc.

1 6. Kraft Foods objects to the topics of Plaintiffs' Notice to the extent that
2 they seek information that can be obtained from other sources, including public
3 sources, in a manner that is more convenient, less burdensome, and/or less expensive.

4 7. Kraft Foods objects to Plaintiffs' Notice to the extent that it purports to
5 impose obligations upon Kraft Foods that are inconsistent with and/or in addition to
6 those obligations imposed by the applicable provisions of the Federal Rules of Civil
7 Procedure or applicable local rules.

8 8. Kraft Foods objects to the topics of Plaintiffs' Notice to the extent that
9 they call for the disclosure of trade secrets or confidential, proprietary, or
10 competitively sensitive information. Kraft Foods will produce witnesses with such
11 information pursuant to an appropriate protective order.

12 9. Whether Plaintiffs' Notice calls for knowledge of "Defendant" or
13 "Defendants," Kraft Foods responds on behalf of Kraft Foods, Inc., Kraft Foods
14 Global, Inc., and Kraft Foods North America with regard to the products identified in
15 the Second Amended Complaint (the "Products").

16 **II. SPECIFIC OBJECTIONS**

17 **TOPIC NO. 1:**

18
19 The advertising and marketing of Teddy Grahams, Vegetable Thins, Ritz
20 Crackers, Original Premium Saltine Crackers, Honey Maid Grahams, and Ginger
21 Snaps (the "Kraft PHVO Products") from January 2000 to the present (the "Class
22 Period").

23 **RESPONSE:** Kraft Foods incorporates by reference all of its General
24 Objections as if specifically stated herein. Kraft Foods specifically objects on
25 the grounds that this topic seeks information that is not relevant and is overly
26 broad and unduly burdensome because it seeks information beyond the
27 applicable statute of limitations and has no geographic limit on the information
28 sought. Subject to and without waiving its General and Specific Objections,

1 Kraft Foods will make available to Plaintiffs at a mutually agreed time and place
2 a witness who is knowledgeable about the advertising and marketing of the
3 Products in California during the time period covered by the applicable statute
4 of limitations.

5
6 TOPIC NO. 2:

7 The creation, makeup, formula, recipe, and/or ingredients in the Kraft PHVO
8 Products throughout the Class Period.

9 RESPONSE: Kraft Foods incorporates by reference all of its General
10 Objections as if specifically stated herein. Kraft Foods specifically objects to
11 this topic as seeking information that is not relevant to class certification issues
12 and because it seeks information beyond the applicable statute of limitations.
13 This topic is also overly broad and unduly burdensome because it contains no
14 geographic limit on the information sought. Further, information about the
15 “creation, formula, recipe” of the Products is not relevant to any of Plaintiffs’
16 claims, and the ingredients of the Products are fully disclosed and are known to
17 Plaintiffs.

18 TOPIC NO. 3:

19 The manufacture and distribution of the Kraft PHVO Products throughout the
20 Class Period.

21 RESPONSE: Kraft Foods incorporates by reference all of its General
22 Objections as if specifically stated herein. Kraft Foods specifically objects to
23 this topic as seeking information that is not relevant to class certification issues
24 and is beyond the applicable statute of limitations. This topic is also overly
25 broad and unduly burdensome because it contains no geographic limit on the
26 information sought. Further, information about the manufacture of the Products
27 is not relevant to any of Plaintiffs’ claims.

1 TOPIC NO. 4:

2 Sales numbers and figures concerning the Kraft PHVO Products throughout the
3 Class Period.

4 RESPONSE: Kraft Foods incorporates by reference all of its General
5 Objections as if specifically stated herein. Kraft Foods specifically objects to
6 this topic as seeking information that is not relevant to class certification issues
7 and is beyond the applicable statute of limitations. This topic is also overly
8 broad and unduly burdensome because it contains no geographic limit on the
9 information sought. In particular, Kraft Foods objects to Plaintiffs' noticed
10 topic as unduly burdensome and vague to the extent that it fails to define "sales
11 numbers" and "figures."

12 TOPIC NO. 5:

13 The geographic scope of sales of the Kraft PHVO Products throughout the Class
14 Period.

15 RESPONSE: Kraft Foods incorporates by reference all of its General
16 Objections as if specifically stated herein. Kraft Foods specifically objects to
17 this topic as seeking information that is not relevant to class certification issues
18 and is beyond the applicable statute of limitations. Kraft Foods further objects
19 on the grounds that this topic is vague, overly broad and unduly burdensome to
20 extent it seeks information regarding the "geographic scope of sales of Kraft's
21 products." To the extent this topic seeks information regarding the states in
22 which Kraft Foods sells the Products, Kraft Foods will propose a stipulation
23 identifying the states in which Kraft Foods sells these Products in lieu of
24 producing a witness.
25
26
27

1 TOPIC NO. 6:

2 Profit and revenue from the sale of the Kraft PHVO Products throughout the
3 Class Period.

4 RESPONSE: Kraft Foods incorporates by reference all of its General
5 Objections as if specifically stated herein. Kraft Foods specifically objects to
6 this topic as seeking information that is not relevant to class certification issues
7 and is beyond the applicable statute of limitations. This topic is also overly
8 broad and unduly burdensome because it contains no geographic limit on the
9 information sought.

10 TOPIC NO. 7:

11 Defendants' compliance with the Federal Food, Drug and Cosmetic Act, its
12 implementing regulations, and any other federal or state law, statute, regulation, rule or
13 requirement affecting the manufacture, distribution, marketing, advertising and sale of
14 the Kraft PHVO Products throughout the Class Period.

15 RESPONSE: Kraft Foods incorporates by reference all of its General
16 Objections as if specifically stated herein. Kraft Foods specifically objects to
17 this topic as seeking information that bears no relevance to the claims asserted in
18 the Second Amended Complaint, and therefore, seeks information which is
19 neither relevant nor likely to lead to the discovery of admissible evidence. The
20 topic is also vague, overly broad, and unduly burdensome because it fails to
21 identify the provisions of the federal Food, Drug & Cosmetic Act or federal or
22 state laws or regulations about which a witness is requested to testify.
23 Additionally, Kraft Foods objects to this topic to the extent that it seeks
24 information protected from disclosure by the attorney-client privilege and the
25 work-product doctrine.
26
27
28

1 TOPIC NO. 8:

2 Defendants' knowledge of, study of, or research relating to the effects of the
3 Kraft PHVO Products on consumers' health.

4 RESPONSE: Kraft Foods incorporates by reference all of its General
5 Objections as if specifically stated herein. Kraft Foods specifically objects to
6 this as seeking information that is not relevant to class certification issues. Kraft
7 Foods further objects that this topic is vague, overly broad, and unduly
8 burdensome and seeks information that is not relevant to any claims in the
9 Second Amended Complaint, as Plaintiffs have not alleged that they were
10 physically injured by any of Kraft Foods' products.

11 TOPIC NO. 9:

12 Defendants' knowledge of, study of, or research relating to the effects or impact
13 of its advertising of the Kraft PHVO Products during the Class Period on consumers'
14 perceptions of the Kraft PHVO Products.

15 RESPONSE: Kraft Foods incorporates by reference all of its General
16 Objections as if specifically stated herein. Kraft Foods specifically objects on
17 the grounds that this topic is overly broad and unduly burdensome. In
18 particular, it is overly broad and unduly burdensome and seeks information
19 beyond the applicable statute of limitations. Subject to and without waiving its
20 General and Specific Objections, Kraft Foods will make available to Plaintiffs at
21 a mutually agreed time and place a witness who is knowledgeable about the
22 noticed topic for the Products identified in the Second Amended Complaint
23 during the time period covered by the applicable statute of limitations.

24 TOPIC NO. 10:

25 Defendants' knowledge of, study of, or research relating to the effects or impact
26 of its advertising of the Kraft PHVO Products during the Class Period on consumers'
27 purchases of the Kraft PHVO Products.

1 RESPONSE: Kraft Foods incorporates by reference all of its General
2 Objections as if specifically stated herein. Kraft Foods specifically objects on
3 the grounds that this topic is overly broad and unduly burdensome. In
4 particular, it is overly broad and unduly burdensome because it seeks
5 information beyond the applicable statute of limitations. Subject to and without
6 waiving its General and Specific Objections, Kraft Foods will make available to
7 Plaintiffs at a mutually agreed time and place a witness who is knowledgeable
8 about the noticed topic for the Products during the time period covered by the
9 applicable statute of limitations.

10 TOPIC NO. 11:

11 Defendants' knowledge of, study of, or research relating to the effects or impact
12 of its advertising of the Kraft PHVO Products during the Class Period on Defendants'
13 revenue and profit.

14 RESPONSE: Kraft Foods incorporates by reference all of its General
15 Objections as if specifically stated herein. Kraft Foods specifically objects to
16 this topic as seeking information that is not relevant to class certification issues
17 and seeking information beyond the applicable statute of limitations.

18 TOPIC NO. 12:

19 Defendant's document retention policies.

20 RESPONSE: Kraft Foods incorporates by reference all of its General
21 Objections as if specifically stated herein. Kraft Foods specifically objects to
22 this topic as seeking information that not relevant to class certification issues or
23 any claim or allegation in Plaintiffs' Second Amended Complaint.
24

1 TOPIC NO. 13:

2 Defendants' records relating to the Products.

3 RESPONSE: Kraft Foods incorporates by reference all of its General
4 Objections as if specifically stated herein. Kraft Foods specifically objects on
5 the grounds that this topic is vague, ambiguous, overly broad, unduly
6 burdensome in that it seeks a witness to testify about undefined "records relating
7 to the Products," and therefore is not reasonably calculated to lead to discovery
8 of admissible evidence.
9

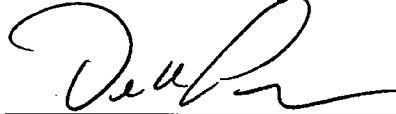
10 TOPIC NO. 14:

11 Defendants' internal systems relating to the Kraft PHVO Products (for example,
12 systems used by Defendants' employees involved in the creation, marketing,
13 manufacture, distribution, sale and tracking of the Kraft PHVO Products relating to
14 electronic communications, bookkeeping, record-keeping, finance, sales and
distribution, etc.).

15 RESPONSE: Kraft Foods incorporates by reference all of its General
16 Objections as if specifically stated herein. Kraft Foods specifically objects on
17 the grounds that this topic is vague, ambiguous, overly broad, unduly
18 burdensome, and not reasonably calculated to lead to discovery of admissible
19 evidence in that it provides no definition of what Plaintiffs mean by "internal
20 systems."
21
22
23
24
25
26
27

1 Dated: March 1, 2011

KRAFT FOODS INC., KRAFT FOODS
NORTH AMERICA, and KRAFT
FOODS GLOBAL, INC.



By one of their attorneys

JENNER & BLOCK LLP
Dean N. Panos (*pro hac vice*)
dpanos@jenner.com
Stacy S. Jakobe (*pro hac vice*)
sjakobe@jenner.com
Jill M. Hutchison (*pro hac vice*)
jhutchison@jenner.com
353 N. Clark Street
Chicago, IL 60654-3456
Phone: (312) 222-9350
Fax: (312) 527-0484

JENNER & BLOCK LLP
Kenneth K. Lee (Cal. Bar No. 264296)
633 West 5th Street, Suite 3500
Los Angeles, CA 90071-2054
Phone: (213) 239-5100
Fax: (312) 239-5199

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of March 2011, a copy of Defendant's Objections to Plaintiffs' Notice of Taking Rule 30(b)(6) Deposition of Defendants was served on the following parties by U.S. Mail and by e-mail:

Gregory S. Weston
The Weston Firm
888 Turquoise Street
San Diego, CA 92109
858-488-1672
480-247-4553 (fax)
greg@westonfirm.com

John Joseph Fitzgerald, IV
The Weston Firm
888 Turquoise Street
San Diego, CA 92109
858-488-1672
858-247-4553 (fax)
jack@westonfirm.com

Dated: March 1, 2011

KRAFT FOODS INC., KRAFT FOODS
NORTH AMERICA, and KRAFT
FOODS GLOBAL, INC.


By one of their attorneys

JENNER & BLOCK LLP
Dean N. Panos (*pro hac vice*)
dpanos@jenner.com
Stacy S. Jakobe (*pro hac vice*)
sjakobe@jenner.com
Jill M. Hutchison (*pro hac vice*)
jhutchison@jenner.com
353 N. Clark Street

Chicago, IL 60654-3456
Phone: (312) 222-9350
Fax: (312) 527-0484

JENNER & BLOCK LLP
Kenneth K. Lee (Cal. Bar. No. 264296)
633 West 5th Street
Los Angeles, CA 90071-2054
Phone: (213) 239-5100
Fax: (213) 239-5199

Attorneys for Defendants

Exhibit G

JENNER & BLOCK LLP

Kenneth K. Lee (Cal. Bar No. 264296)

klee@jenner.com

633 West 5th Street, Suite 3500

Los Angeles, CA 90071-2054

Phone: (213) 239-5100

Facsimile: (213) 239-5199

JENNER & BLOCK LLP

Dean N. Panos (*pro hac vice*)

dpanos@jenner.com

Stacy S. Jakobe (*pro hac vice*)

sjakobe@jenner.com

Jill M. Hutchison (*pro hac vice*)

jhutchison@jenner.com

353 N. Clark Street

Chicago, IL 60654-3456

Phone: (312) 222-9350

Fax: (312) 527-0484

Attorneys for Defendants Kraft Foods Global, Inc., improperly sued as Kraft Foods North America, and Kraft Foods Inc.

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

EVANGELINE RED and RACHEL
WHITT, on Behalf of Themselves and
All Others Similarly Situated,

Plaintiffs,

vs.

KRAFT FOODS INC., KRAFT
FOODS NORTH AMERICA, and
KRAFT FOODS GLOBAL, INC.,

Defendants.

Case No. CV10-01028 (GW) (AGRX)
Pleading Type: Class Action

**DEFENDANTS' RESPONSES TO
PLAINTIFFS' FIRST SET OF
REQUESTS FOR THE
PRODUCTION OF DOCUMENTS
ADDRESSED TO KRAFT FOODS
GLOBAL, INC.**

Judge: Hon. George H. Wu
Action Filed: February 11, 2010

PROPOUNDING PARTY: PLAINTIFFS Evangeline Red and Rachel Whitt.

RESPONDING PARTY: DEFENDANT Kraft Foods Global, Inc.

SET: One

1 Defendant Kraft Foods Global, Inc.¹ ("Kraft Foods"), by its attorneys Jenner &
2 Block LLP, answers Plaintiffs' First Set of Requests for the Production of Documents
3 Addressed to Kraft Foods Global, Inc. as follows:

4
5 **I. GENERAL OBJECTIONS**

6 1. Kraft Foods objects to Plaintiffs' Requests as premature and beyond the
7 scope of class certification issues.

8 2. Kraft Foods objects to Plaintiffs' Requests to the extent that they are
9 overly broad, unduly burdensome, vague, ambiguous, and not reasonably calculated to
10 lead to the discovery of admissible evidence.

11 3. Kraft Foods objects to Plaintiffs' Requests to the extent that they seek
12 documents related to Kraft's marketing, sale, and distribution of products in states
13 other than California as not relevant and unduly burdensome.

14 4. Kraft Foods objects to Plaintiffs' Requests to the extent that they seek
15 information going back over ten years to 2000 as beyond the applicable statute of
16 limitations. A three-year statute of limitations applies to CLRA claims, and a four-
17 year statute of limitations applies to the alleged UCL and FAL claims. Cal. Civ. Code
18 § 1783; Cal. Bus. & Prof. Code § 17208. Therefore, to the extent Kraft Foods agrees
19 to provide responsive documents, Kraft Foods will provide only information going
20 back four years from the date the initial Complaint was filed on February 11, 2010.

21 5. Kraft Foods objects to Plaintiffs' Requests to the extent that they seek
22 documents protected from disclosure by the attorney-client privilege, the work-product
23 doctrine, and/or any other applicable privilege or protection.

24
25
26 ¹ Only Kraft Foods is a proper party to this suit. Nonetheless, Kraft Foods also responds to Plaintiffs'
27 First Set of Requests for the Production of Documents on behalf of Kraft Foods North America and
28 Kraft Foods Inc.

1 6. Kraft Foods objects to Plaintiffs' Requests to the extent that they seek
2 documents that are outside of Kraft Foods' possession, custody, or control.

3 7. Kraft Foods objects to Plaintiffs' Requests to the extent that they seek
4 documents that can be obtained from other sources, including public sources, in a
5 manner that is more convenient, less burdensome, and/or less expensive.

6 8. Kraft Foods objects to Plaintiffs' Requests to the extent that they purport
7 to impose obligations upon Kraft Foods that are inconsistent with and/or in addition to
8 those obligations imposed by the applicable provisions of the Federal Rules of Civil
9 Procedure or applicable local rules.

10 9. Kraft Foods objects to Plaintiffs' Requests to the extent that they call for
11 production of documents or electronically stored information in more than one form or
12 in a form other than the form required by the Federal Rules of Civil Procedure.

13 10. Kraft Foods objects to Plaintiffs' Requests to the extent that they call for
14 the disclosure of trade secrets or confidential, proprietary, or competitively sensitive
15 information. To the extent such documents are responsive, relevant, and non-
16 privileged, Kraft Foods will produce such information pursuant to an appropriate
17 protective order.

18 11. Discovery and investigation are continuing. Therefore, Kraft Foods
19 reserves the right to revise, correct, supplement, or clarify its objections and responses
20 based upon the discovery of new and/or additional information.

21
22 **II. REQUESTS FOR PRODUCTION OF DOCUMENTS**

23
24 **REQUEST NO. 1**

25 All advertisements CONCERNING the PRODUCTS used during the CLASS
26 PERIOD.

1 RESPONSE: Kraft Foods incorporates by reference all of its General
2 Objections as if specifically stated herein. Kraft Foods specifically objects to
3 this Request on the grounds that it is overly broad and unduly burdensome
4 because there is no geographic limit on the documents requested, and the
5 temporal limit on the documents requested exceeds the applicable statute of
6 limitations. Subject to and without waiving its General Objections, Kraft Foods
7 will make available to Plaintiffs at a mutually agreed time and place the
8 advertisements for the products identified in the Second Amended Complaint
9 that were used in California during the time period covered by the applicable
10 statute of limitations.

11 REQUEST NO. 2

12 All of YOUR document retention policies in effect during the CLASS PERIOD.

13 RESPONSE: Kraft Foods incorporates by reference all of its General
14 Objections as if specifically stated herein. Kraft Foods specifically objects to
15 Plaintiffs' Request as seeking documents that are not relevant to class
16 certification issues. Kraft Foods further objects to this Request on the grounds
17 that it is overly broad and unduly burdensome because the temporal limit on the
18 documents requested exceeds the applicable statute of limitations.
19

20 REQUEST NO. 3

21 Organization charts sufficient to show YOUR employees who, during the CLASS
22 PERIOD, were involved in MARKETING, manufacturing, or developing any of the
23 PRODUCTS.

24 RESPONSE: Kraft Foods incorporates by reference all of its General
25 Objections as if specifically stated herein. Kraft Foods specifically objects to
26 Plaintiffs' Request as not relevant to class certification issues. Kraft Foods
27

1 further objects to this Request on the grounds that it is overly broad, unduly
2 burdensome, vague, ambiguous, and not reasonably calculated to lead to the
3 discovery of admissible evidence because there is no geographic limit on the
4 documents requested, and the temporal limit on the documents requested
5 exceeds the applicable statute of limitations.

6 REQUEST NO. 4

7
8 DOCUMENTS sufficient to show the identity of any suppliers, vendors or
9 distributors involved in the MARKETING, manufacturing, or developing of any of the
10 PRODUCTS during the CLASS PERIOD.

11 RESPONSE: Kraft Foods incorporates by reference all of its General
12 Objections as if specifically stated herein. Kraft Foods specifically objects to
13 Plaintiffs' Request as not relevant to class certification issues. Kraft Foods
14 further objects to this Request on the grounds that it is overly broad, unduly
15 burdensome, vague, ambiguous, and not reasonably calculated to lead to the
16 discovery of admissible evidence to the extent it seeks information about
17 "suppliers" and "vendors" related to Kraft Foods' manufacturing or developing
18 of the products.

19 REQUEST NO. 5

20 All DOCUMENTS on which YOU intend to rely in opposition to class
21 certification.

22 RESPONSE: Kraft Foods specifically objects to the extent that this Request
23 calls for the disclosure of trade secrets or confidential, proprietary, or
24 competitively sensitive information and will produce such documents only
25 pursuant to an appropriate protective order. Subject to and without waiving its
26 General Objections, at the time Kraft Foods files its Response to Plaintiffs'
27

1 Motion for Class Certification, Kraft Foods will produce responsive documents
2 to Plaintiffs.

3 REQUEST NO. 6

4 All DOCUMENTS summarizing the sales, Generally Accepted Accounting
5 Principles, attributable to the sale of the PRODUCTS in the United States during the CLASS
6 PERIOD.

7 RESPONSE: Kraft Foods incorporates by reference all of its General
8 Objections as if specifically stated herein. Kraft Foods specifically objects to
9 Plaintiffs' Request as seeking documents that are not relevant to class
10 certification issues. Kraft Foods further objects to this Request on the grounds
11 that it is overly broad, unduly burdensome, vague, ambiguous, and not
12 reasonably calculated to lead to the discovery of admissible evidence. In
13 particular, this Request is overly broad and unduly burdensome because the
14 temporal limit on the documents requested exceeds the applicable statute of
15 limitations. Kraft Foods also objects to the extent that this Request calls for the
16 disclosure of trade secrets or confidential, proprietary, or competitively sensitive
17 information.
18

19 REQUEST NO. 7

20 All Documents summarizing the cost of goods sold attributable to the sale of the
21 PRODUCTS in the United States during the CLASS PERIOD.

22 RESPONSE: Kraft Foods incorporates by reference all of its General
23 Objections as if specifically stated herein. Kraft Foods specifically objects to
24 Plaintiffs' Request as seeking documents that are not relevant to class
25 certification issues. Kraft Foods further objects to this Request on the grounds
26 that it is overly broad, unduly burdensome, vague, ambiguous, and not
27

1 reasonably calculated to lead to the discovery of admissible evidence. In
2 particular, this Request is overly broad and unduly burdensome because the
3 temporal limit on the documents requested exceeds the applicable statute of
4 limitations. Kraft Foods also objects to the extent that this Request calls for the
5 disclosure of trade secrets or confidential, proprietary, or competitively sensitive
6 information.

7 REQUEST NO. 8

8 All Documents summarizing the advertising and promotional expenses
9 attributable to the sale of the PRODUCTS in the United States during the CLASS
10 PERIOD.

11 RESPONSE: Kraft Foods incorporates by reference all of its General
12 Objections as if specifically stated herein. Kraft Foods specifically objects to
13 Plaintiffs' Request as seeking documents that are not relevant to class
14 certification issues. Kraft Foods further objects to this Request on the grounds
15 that it is overly broad, unduly burdensome, vague, ambiguous, and not
16 reasonably calculated to lead to the discovery of admissible evidence. In
17 particular, this Request is vague, overly broad and unduly burdensome because
18 it seeks to have Kraft Foods determine which specific advertisements or
19 promotions attributed to specific sales of its products. Kraft Foods will make
20 available to Plaintiffs at a mutually agreeable time and place the advertisements
21 for the Products identified in the Second Amended Complaint that were used in
22 California during the applicable statute of limitations.

23
24 REQUEST NO. 9

25 All DOCUMENTS summarizing the research and development expenses
26 attributable to the PRODUCTS during the CLASS PERIOD.

1 RESPONSE: Kraft Foods incorporates by reference all of its General
2 Objections as if specifically stated herein. Kraft Foods specifically objects to
3 Plaintiffs' Request as seeking documents that are not relevant to class
4 certification issues. Kraft Foods further objects to this Request on the grounds
5 that it is overly broad, unduly burdensome, vague, ambiguous, and not
6 reasonably calculated to lead to the discovery of admissible evidence. In
7 particular, this Request is overly broad and unduly burdensome because the
8 temporal limit on the documents requested exceeds the applicable statute of
9 limitations. Kraft Foods also objects to the extent that this Request calls for the
10 disclosure of trade secrets or confidential, proprietary, or competitively sensitive
11 information.

12 REQUEST NO. 10

13 All DOCUMENTS summarizing the operating income, as defined under
14 Generally Accepted Accounting Principles, attributable to the sale of the PRODUCTS
15 in the United States during the CLASS PERIOD.

16 RESPONSE: Kraft Foods incorporates by reference all of its General
17 Objections as if specifically stated herein. Kraft Foods specifically objects to
18 Plaintiffs' Request as seeking documents that are not relevant to class
19 certification issues. Kraft Foods further objects to this Request on the grounds
20 that it is overly broad, unduly burdensome, vague, ambiguous, and not
21 reasonably calculated to lead to the discovery of admissible evidence. In
22 particular, this Request is overly broad and unduly burdensome because the
23 temporal limit on the documents requested exceeds the applicable statute of
24 limitations. Kraft Foods also objects to the extent that this Request calls for the
25 disclosure of trade secrets or confidential, proprietary, or competitively sensitive
26 information.

1 REQUEST NO. 11

2 All DOCUMENTS summarizing the gross margin, Generally Accepted
3 Accounting Principles, for the PRODUCTS and any other similar products not
4 containing trans fat manufactured, sold or licensed for sale by YOU in the United
5 States during the CLASS PERIOD.

6 RESPONSE: Kraft Foods incorporates by reference all of its General
7 Objections as if specifically stated herein. Kraft Foods specifically objects to
8 Plaintiffs' Request as seeking documents that are not relevant to class
9 certification issues. Kraft Foods further objects to this Request on the grounds
10 that it is overly broad, unduly burdensome, vague, ambiguous, and not
11 reasonably calculated to lead to the discovery of admissible evidence to the
12 extent it seeks to have Kraft Foods identify and then produce documents related
13 to "other similar products not containing trans fat."

14 REQUEST NO. 12

15 All DOCUMENTS or COMMUNICATIONS sent or received by YOU from or
16 to any health care professional, science-related organization or nutrition-related
17 organization regarding the PRODUCTS, including, but not limited to, letters,
18 correspondence and reports.

19 RESPONSE: Kraft Foods incorporates by reference all of its General
20 Objections as if specifically stated herein. Kraft Foods specifically objects to
21 Plaintiffs' Request as seeking documents that are not relevant to class
22 certification issues. Kraft Foods further objects to this Request on the grounds
23 that it is overly broad, unduly burdensome, vague, ambiguous, and not
24 reasonably calculated to lead to the discovery of admissible evidence.
25
26
27

1 REQUEST NO. 13

2 All DOCUMENTS that refer to or discuss the United States Food and Drug
3 Administration and the advertising, MARKETING, sale or distribution of the
4 PRODUCTS.

5 RESPONSE: Kraft Foods incorporates by reference all of its General
6 Objections as if specifically stated herein. Kraft Foods specifically objects to
7 this Request on the grounds that it seeks all documents that "refer to or discuss
8 the United States Food and Drug Administration" or which refer to or discuss
9 the "sale" or "distribution" of products as vague, ambiguous, overly broad,
10 unduly burdensome and not relevant to class certification issues. In particular,
11 this Request is overly broad and unduly burdensome because there is no
12 geographic or temporal limit on the documents requested, and it seeks all
13 documents which refer to or discuss the FDA and the "marketing, sale or
14 distribution" of the products at issue. Further, Kraft Foods specifically objects
15 to the extent that this Request calls for the disclosure of trade secrets or
16 confidential, proprietary, or competitively sensitive information and will
17 produce such documents only pursuant to an appropriate protective order.
18 Subject to and without waiving its General Objections, Kraft Foods will make
19 available to Plaintiffs at a mutually agreed time and place non-privileged
20 documents of its advertising and marketing in California of the Products
21 identified in the Second Amended Complaint during the time period covered by
22 the applicable statute of limitations.

23 REQUEST NO. 14

24 Exemplars of all sales materials, promotional materials and advertisements,
25 including, but not limited to, print, radio, and television advertisements, packaging,
26 product labeling and point of sale literature which in anyway refer to, depict and/or
27 discuss the PRODUCTS, including all versions and drafts.

1 **RESPONSE:** Kraft Foods incorporates by reference all of its General
2 Objections as if specifically stated herein. Kraft Foods specifically objects to
3 this Request on the grounds that it is vague, ambiguous, overly broad, and
4 unduly burdensome. Further, to the extent this Request seeks drafts of
5 marketing materials it is overly broad, unduly burdensome, and seeks
6 information which is not relevant. Kraft Foods further specifically objects to the
7 extent that this Request calls for the disclosure of trade secrets or confidential,
8 proprietary, or competitively sensitive information and will produce such
9 documents only pursuant to an appropriate protective order. Subject to and
10 without waiving its General Objections, Kraft Foods will make available to
11 Plaintiffs at a mutually agreed time and place non-privileged, responsive
12 documents that reflect actual packaging or marketing of the products in
13 California during the time period covered by the applicable statute of
14 limitations.

15 **REQUEST NO. 15**

16 Exemplars of all packaging, labeling, instructions, package inserts and
17 informational brochures relating to the PRODUCTS, including all versions, drafts, and
18 revisions.

19 **RESPONSE:** Kraft Foods incorporates by reference all of its General
20 Objections as if specifically stated herein. Kraft Foods specifically objects to
21 this Request on the grounds that it is vague, ambiguous, overly broad, and
22 unduly burdensome. Further, to the extent this Request seeks drafts of
23 marketing materials it is overly broad, unduly burdensome, and seeks
24 information which is not relevant. Kraft Foods further specifically objects to the
25 extent that this Request calls for the disclosure of trade secrets or confidential,
26 proprietary, or competitively sensitive information and will produce such
27 documents only pursuant to an appropriate protective order. Subject to and
28 without waiving its General Objections, Kraft Foods will make available to
29 Plaintiffs at a mutually agreed time and place non-privileged, responsive
30 documents that reflect actual packaging or marketing of the products in
31 California during the time period covered by the applicable statute of
32 limitations.

documents only pursuant to an appropriate protective order. Subject to and without waiving its General Objections, Kraft Foods will make available to Plaintiffs at a mutually agreed time and place non-privileged, responsive documents reflecting the actual packaging and marketing used in California during the time period covered by the applicable statute of limitations.

REQUEST NO. 16

All DOCUMENTS RELATING TO, constituting or comprising substantiation of claims made by YOU about the PRODUCTS to third parties during the CLASS PERIOD, including requests by third parties for claims substantiation and YOUR response(s).

RESPONSE: Kraft Foods incorporates by reference all of its General Objections as if specifically stated herein. Kraft Foods specifically objects to Plaintiffs' Request as seeking documents that are not relevant to class certification issues. Kraft Foods further objects to this Request on the grounds that it is overly broad, unduly burdensome, vague, and ambiguous in that the Request does not identify for which "claims" Plaintiffs seek responsive information. Further, this Request is overly broad and unduly burdensome because the temporal limit on the documents requested exceeds the applicable statute of limitations.

REQUEST NO. 17

All DOCUMENTS that evidence, discuss, or reflect when and where print, radio or television advertisements relating to the PRODUCTS were disseminated in the United States during the CLASS PERIOD including, without limitation, media plans.

RESPONSE: Kraft Foods incorporates by reference all of its General Objections as if specifically stated herein. Kraft Foods specifically objects to this Request on the grounds that it is vague, ambiguous, overly broad, and

unduly burdensome in that it seeks documents that “evidence, discuss, or reflect” where and when Kraft Foods advertised its products in the United States and seeks information which is beyond the applicable statute of limitations. Kraft Foods further objects to this request as seeking documents that are not relevant because they concern advertisements disseminated outside of California. Further, Kraft Foods specifically objects to the extent that this Request calls for the disclosure of trade secrets or confidential, proprietary, or competitively sensitive information and will produce such documents only pursuant to an appropriate protective order. Subject to and without waiving its General Objections, Kraft Foods will make available to Plaintiffs at a mutually agreed time and place non-privileged, documents that identify where print, radio, or television advertisements were used in California, if any exist, for the Products identified in the Second Amended Complaint during the time period covered by the applicable statute of limitations.

REQUEST NO. 18

All DOCUMENTS which evidence, memorialize, summarize or discuss any decision about how to MARKET or advertise the PRODUCTS in the United States during the CLASS PERIOD.

RESPONSE: Kraft Foods incorporates by reference all of its General Objections as if specifically stated herein. Kraft Foods specifically objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome in that it seeks documents that “evidence, memorialize, summarize or discuss” how Kraft Foods marketed or advertised its products in the United States and seeks information which is beyond the applicable statute of limitations. Kraft Foods further objects to this request as seeking documents that are not relevant because they concern marketing or advertising outside of

1 California. Further, Kraft Foods specifically objects to the extent that this
2 Request calls for the disclosure of trade secrets or confidential, proprietary, or
3 competitively sensitive information and will produce such documents only
4 pursuant to an appropriate protective order. Subject to and without waiving its
5 General Objections, Kraft Foods will make available to Plaintiffs at a mutually
6 agreed time and place non-privileged, responsive documents consisting of the
7 actual advertisements and marketing materials used in California for the
8 Products identified in the Second Amended Complaint during the time period
9 covered by the applicable statute of limitations.

10 REQUEST NO. 19

11 All DOCUMENTS which constitute, evidence, embody, refer to or discuss any
12 focus group report, consumer survey, study, report, poll or any other MARKETING
13 analysis or research conducted in connection with the promotion, advertising,
14 packaging, labeling, distribution or sale of the PRODUCTS during the CLASS
15 PERIOD.

16 RESPONSE: Kraft Foods incorporates by reference all of its General
17 Objections as if specifically stated herein. Kraft Foods specifically objects to
18 this Request on the grounds that it is vague, ambiguous, overly broad, and
19 unduly burdensome. In particular, this Request is overly broad and unduly
20 burdensome because the temporal limit on the documents requested exceeds the
21 applicable statute of limitations. Further, Kraft Foods specifically objects to the
22 extent that this Request calls for the disclosure of trade secrets or confidential,
23 proprietary, or competitively sensitive information and will produce such
24 documents only pursuant to an appropriate protective order. Subject to and
25 without waiving its General Objections, Kraft Foods will make available to
26 Plaintiffs at a mutually agreed time and place non-privileged, responsive
27 documents from the time period covered by the applicable statute of limitations.

1 REQUEST NO. 20

2 All DOCUMENTS which evidence, reflect, or discuss any potential or actual
3 revisions or modifications made in the packaging or advertisement of the PRODUCTS.

4 RESPONSE: Kraft Foods incorporates by reference all of its General
5 Objections as if specifically stated herein. Kraft Foods specifically objects to
6 this Request on the grounds that it seeks information that is not relevant to the
7 extent it seeks documents which reflect "potential" revisions to packaging and
8 advertising, or advertising or packaging which Kraft Foods did not use or
9 disseminate in California. Further, this Request is overly broad and unduly
10 burdensome because there is no geographic or temporal limit on the documents
11 requested. Kraft Foods further specifically objects to the extent that this
12 Request calls for the disclosure of trade secrets or confidential, proprietary, or
13 competitively sensitive information and will produce such documents only
14 pursuant to an appropriate protective order. Subject to and without waiving its
15 General Objections, Kraft Foods will make available to Plaintiffs at a mutually
16 agreed time and place non-privileged, responsive documents relating to the
17 actual packaging or advertising that was used in California, if any exist, for the
18 Products identified in the Second Amended Complaint during the time period
19 covered by the applicable statute of limitations.

20 REQUEST NO. 21

21 All DOCUMENTS which evidence, reflect or RELATE TO any MARKETING
22 analysis or surveys which compare on any basis, the PRODUCTS to any other similar
23 products, including YOUR own products.

24 RESPONSE: Kraft Foods incorporates by reference all of its General
25 Objections as if specifically stated herein. Kraft Foods specifically objects to
26 this Request on the grounds that it is vague and ambiguous in that it does not
27

1 specify what constitutes "similar matters," overly broad, and unduly
2 burdensome. In particular, this Request is overly broad and unduly burdensome
3 because there is no geographic or temporal limit on the documents requested.
4 Kraft Foods further objects to this request as seeking documents that are not
5 relevant because they do not relate to product or product labeling characteristics
6 at issue in the Second Amended Complaint. Further, Kraft Foods specifically
7 objects to the extent that this Request calls for the disclosure of trade secrets or
8 confidential, proprietary, or competitively sensitive information and will
9 produce such documents only pursuant to an appropriate protective order.
10 Subject to and without waiving its General Objections, Kraft Foods will make
11 available to Plaintiffs at a mutually agreed time and place any marketing
12 analysis or survey related to the Products identified in the Second Amended
13 Complaint, if any, from during the time period covered by the applicable statute
14 of limitations.

15 REQUEST NO. 22

16
17 All DOCUMENTS sent to retailers, distributors, or healthcare professionals
18 regarding or constituting the MARKETING, promotion, advertisement or sale of the
19 PRODUCTS.

20 RESPONSE: Kraft Foods incorporates by reference all of its General
21 Objections as if specifically stated herein. Kraft Foods specifically objects to
22 this Request on the grounds that it is vague, ambiguous, overly broad, and
23 unduly burdensome. In particular, this Request is overly broad and unduly
24 burdensome because there is no geographic or temporal limit on the documents
25 requested. Further, Kraft Foods specifically objects to the extent that this
26 Request calls for the disclosure of trade secrets or confidential, proprietary, or
27 competitively sensitive information and will produce such documents only

1 pursuant to an appropriate protective order. Subject to and without waiving its
2 General Objections, Kraft Foods will make available to Plaintiffs at a mutually
3 agreed time and place non-privileged, responsive documents regarding or
4 constituting the marketing, promotion, advertisement, or sale of the Products
5 identified in the Second Amended Complaint in California, if any exist, during
6 the time period covered by the applicable statute of limitations.

7 REQUEST NO. 23

8 All DOCUMENTS which reflect, summarize, analyze or discuss the pricing of
9 the PRODUCTS, including wholesale or retail prices.

10 RESPONSE: Kraft Foods incorporates by reference all of its General
11 Objections as if specifically stated herein. Kraft Foods specifically objects to
12 Plaintiffs' Request as seeking documents that are not relevant to class
13 certification issues. Kraft Foods further objects to this Request on the grounds
14 that it is overly broad, unduly burdensome, vague, ambiguous, and not
15 reasonably calculated to lead to the discovery of admissible evidence. In
16 particular, this Request is overly broad and unduly burdensome because the
17 there is no geographic or temporal limit on the documents requested. Further,
18 Kraft Foods specifically objects to the extent that this Request calls for the
19 disclosure of trade secrets or confidential, proprietary, or competitively sensitive
20 information.
21

22 REQUEST NO. 24

23 All general ledgers, trial balances, monthly, quarterly, semiannual, and annual
24 financial reports reflecting revenues, profits and/or losses from the sale of the
25 PRODUCTS in the United States during the CLASS PERIOD.
26
27

1 **RESPONSE:** Kraft Foods incorporates by reference all of its General
2 Objections as if specifically stated herein. Kraft Foods specifically objects to
3 Plaintiffs' Request as seeking documents that are not relevant to class
4 certification issues. Kraft Foods further objects to this Request on the grounds
5 that it is overly broad, unduly burdensome, vague, ambiguous, and not
6 reasonably calculated to lead to the discovery of admissible evidence. In
7 particular, this Request is overly broad and unduly burdensome because the
8 temporal limit on the documents requested exceeds the applicable statute of
9 limitations. Further, Kraft Foods specifically objects to the extent that this
10 Request calls for the disclosure of trade secrets or confidential, proprietary, or
11 competitively sensitive information.

12 **REQUEST NO. 25**

13 All DOCUMENTS YOU sent to, or received from, any accountant or
14 accounting firm, regarding revenues, profits and/or losses from the sale of the
15 PRODUCTS in the United States during the CLASS PERIOD.

16 **RESPONSE:** Kraft Foods incorporates by reference all of its General
17 Objections as if specifically stated herein. Kraft Foods specifically objects to
18 Plaintiffs' Request as seeking documents that are not relevant to class
19 certification issues. Kraft Foods further objects to this Request on the grounds
20 that it is overly broad, unduly burdensome, vague, ambiguous, not reasonably
21 calculated to lead to the discovery of admissible evidence, and not reasonably
22 ascertainable. In particular, this Request is overly broad and unduly
23 burdensome because the temporal limit on the documents requested exceeds the
24 applicable statute of limitations. Further, Kraft Foods specifically objects to the
25 extent that this Request calls for the disclosure of trade secrets or confidential,
26 proprietary, or competitively sensitive information.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

REQUEST NO. 26

All DOCUMENTS YOU prepared regarding revenues, profits and/or losses from the sale of the PRODUCTS in the United States during the CLASS PERIOD.

RESPONSE: Kraft Foods incorporates by reference all of its General Objections as if specifically stated herein. Kraft Foods specifically objects to Plaintiffs' Request as seeking documents that are not relevant to class certification issues. Kraft Foods further objects to this Request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. In particular, this Request is overly broad and unduly burdensome because the temporal limit on the documents requested exceeds the applicable statute of limitations. Further, Kraft Foods specifically objects to the extent that this Request calls for the disclosure of trade secrets or confidential, proprietary, or competitively sensitive information.

REQUEST NO. 27

All DOCUMENTS and COMMUNICATIONS relating to or CONCERNING periodic (annual, monthly, weekly, etc.) financial budgets or plans regarding revenues, profits and/or losses from the sale of the PRODUCTS in the United States during the CLASS PERIOD.

RESPONSE: Kraft Foods incorporates by reference all of its General Objections as if specifically stated herein. Kraft Foods specifically objects to Plaintiffs' Request as seeking documents that are not relevant to class certification issues. Kraft Foods further objects to this Request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. In particular, this Request is overly broad and unduly burdensome because the

1 temporal limit on the documents requested exceeds the applicable statute of
2 limitations. Further, Kraft Foods specifically objects to the extent that this
3 Request calls for the disclosure of trade secrets or confidential, proprietary, or
4 competitively sensitive information.

5 REQUEST NO. 28

6 All audited financial statements (or portions thereof) regarding revenues, profits
7 and/or losses from the sale of the PRODUCTS in the United States during the CLASS
8 PERIOD.

9 RESPONSE: Kraft Foods incorporates by reference all of its General
10 Objections as if specifically stated herein. Kraft Foods specifically objects to
11 Plaintiffs' Request as seeking documents that are not relevant to class
12 certification issues or any other issues in the case. Kraft Foods further objects to
13 this Request on the grounds that it is overly broad, unduly burdensome, vague,
14 ambiguous, and not reasonably calculated to lead to the discovery of admissible
15 evidence.
16

17 REQUEST NO. 29

18 DOCUMENTS sufficient to show in which U.S. states the PRODUCTS were
19 available during the CLASS PERIOD, including any changes thereto.

20 RESPONSE: Kraft Foods incorporates by reference all of its General
21 Objections as if specifically stated herein. Kraft Foods specifically objects to
22 Plaintiffs' Request as seeking documents that are not relevant to class
23 certification issues or any other issues that would be relevant to a putative class
24 of California residents. Kraft Foods further objects to this Request on the
25 grounds that it is overly broad, unduly burdensome, vague, ambiguous, and not
26 reasonably calculated to lead to the discovery of admissible evidence.
27

1 REQUEST NO. 30

2 For each of YOUR PRODUCTS, DOCUMENTS sufficient to show the amount
3 and percentage of units manufactured in the United States that were manufactured
4 entirely in California for each year of the CLASS PERIOD.

5 RESPONSE: Kraft Foods incorporates by reference all of its General
6 Objections as if specifically stated herein. Kraft Foods specifically objects to
7 Plaintiffs' Request as seeking documents that are not relevant to class
8 certification issues or any other issues in this case. Kraft Foods further objects
9 to this Request on the grounds that it is overly broad, unduly burdensome,
10 vague, ambiguous, and not reasonably calculated to lead to the discovery of
11 admissible evidence.

12 REQUEST NO. 31

13 For each of YOUR PRODUCTS, DOCUMENTS sufficient to show the amount
14 and percentage of units manufactured in the United States that were manufactured
15 partly in California for each year of the CLASS PERIOD.

16 RESPONSE: Kraft Foods incorporates by reference all of its General
17 Objections as if specifically stated herein. Kraft Foods specifically objects to
18 Plaintiffs' Request as seeking documents that are not relevant to class
19 certification issues or any other issues in this case. Kraft Foods further objects
20 to this Request on the grounds that it is overly broad, unduly burdensome,
21 vague, ambiguous, and not reasonably calculated to lead to the discovery of
22 admissible evidence.

23 REQUEST NO. 32

24 For each of YOUR PRODUCTS, DOCUMENTS sufficient to show the amount
25 and percentage of sales in the United States that were sold in California for each year
26 of the CLASS PERIOD.

1 **RESPONSE:** Kraft Foods incorporates by reference all of its General
2 Objections as if specifically stated herein. Kraft Foods specifically objects to
3 Plaintiffs' Request as seeking documents that are not relevant to class
4 certification issues. Kraft Foods further objects to this Request on the grounds
5 that it is overly broad, unduly burdensome, vague, ambiguous, and not
6 reasonably calculated to lead to the discovery of admissible evidence. In
7 particular, this Request is overly broad and unduly burdensome because the
8 temporal limit on the documents requested exceeds the applicable statute of
9 limitations. Further, Kraft Foods specifically objects to the extent that this
10 Request calls for the disclosure of trade secrets or confidential, proprietary, or
11 competitively sensitive information. To the extent Kraft Foods maintains such
12 information, Kraft Foods will propose a stipulation in lieu of production of
13 documents.

14 **REQUEST NO. 33**

15 For each of YOUR PRODUCTS, DOCUMENTS sufficient to show the amount
16 and percentage of funds spent on television advertisements in California media
17 markets relative to the amount and percentage of funds spent on television
18 advertisements that did not reach California media markets, for each year during the
19 CLASS PERIOD.

20 **RESPONSE:** Kraft Foods incorporates by reference all of its General
21 Objections as if specifically stated herein. Kraft Foods specifically objects to
22 Plaintiffs' Request as seeking documents that are not relevant to class
23 certification issues or any other issues in this case. Kraft Foods further objects
24 to this Request on the grounds that it is overly broad, unduly burdensome,
25 vague, ambiguous, and not reasonably calculated to lead to the discovery of
26 admissible evidence. In particular, this Request is overly broad and unduly
27 burdensome because the temporal limit on the documents requested exceeds the

1 applicable statute of limitations. Further, Kraft Foods specifically objects to the
2 extent that this Request calls for the disclosure of trade secrets or confidential,
3 proprietary, or competitively sensitive information.

4 REQUEST NO. 34

5
6 For any advertisement of any PRODUCT that ran on television during the
7 CLASS PERIOD, DOCUMENTS sufficient to show (a) the location where the
8 advertisement was produced and filmed, and (b) the company or companies that
9 produced and filmed the advertisement.

10 RESPONSE: Kraft Foods incorporates by reference all of its General
11 Objections as if specifically stated herein. Kraft Foods specifically objects to
12 Plaintiffs' Request as seeking documents that are not relevant to class
13 certification issues. Kraft Foods further objects to this Request on the grounds
14 that it is overly broad, unduly burdensome, vague, ambiguous, and not
15 reasonably calculated to lead to the discovery of admissible evidence. In
16 particular, this Request is overly broad and unduly burdensome because the
17 temporal limit on the documents requested exceeds the applicable statute of
18 limitations. Kraft Foods further objects to this Request as seeking information
19 that has no relevance to any claims made in Plaintiffs' Second Amended
20 Complaint. Further, Kraft Foods specifically objects to the extent that this
21 Request calls for the disclosure of trade secrets or confidential, proprietary, or
22 competitively sensitive information.

23 REQUEST NO. 35

24 For each of YOUR PRODUCTS, DOCUMENTS sufficient to show or calculate
25 YOUR total revenue from the sale of such PRODUCTS in the United States for each
26 year in the CLASS PERIOD.

1 RESPONSE: Kraft Foods incorporates by reference all of its General
2 Objections as if specifically stated herein. Kraft Foods specifically objects to
3 Plaintiffs' Request as seeking documents that are not relevant to class
4 certification issues. Kraft Foods further objects to this Request on the grounds
5 that it is overly broad, unduly burdensome, vague, ambiguous, and not
6 reasonably calculated to lead to the discovery of admissible evidence. In
7 particular, this Request is overly broad and unduly burdensome because the
8 temporal limit on the documents requested exceeds the applicable statute of
9 limitations. Further, Kraft Foods specifically objects to the extent that this
10 Request calls for the disclosure of trade secrets or confidential, proprietary, or
11 competitively sensitive information.

12 REQUEST NO. 36

13
14 For each of YOUR PRODUCTS, DOCUMENTS sufficient to show or calculate
15 YOUR total profit from the sale of PRODUCTS in the United States for each year in
the CLASS PERIOD.

16 RESPONSE: Kraft Foods incorporates by reference all of its General
17 Objections as if specifically stated herein. Kraft Foods specifically objects to
18 Plaintiffs' Request as seeking documents that are not relevant to class
19 certification issues. Kraft Foods further objects to this Request on the grounds
20 that it is overly broad, unduly burdensome, vague, ambiguous, and not
21 reasonably calculated to lead to the discovery of admissible evidence. In
22 particular, this Request is overly broad and unduly burdensome because the
23 temporal limit on the documents requested exceeds the applicable statute of
24 limitations. Further, Kraft Foods specifically objects to the extent that this
25 Request calls for the disclosure of trade secrets or confidential, proprietary, or
26 competitively sensitive information.

REQUEST NO. 37

All DOCUMENTS constituting or RELATING TO advertisements during the CLASS PERIOD for the following PRODUCTS:

1. Teddy Grahams Chocolatey Chip Graham Snacks
2. Teddy Graham Honey Graham Snacks
3. Vegetable Thins Baked Snack Crackers
4. Ritz Crackers Roasted Vegetable
5. Ritz Crackers Hint Of Salt
6. Ritz Crackers Reduced Fat
7. Ritz Crackers Whole Wheat
8. Original Premium Saline Crackers
9. Honey Maid Honey Grahams
10. Honey Maid Low Fat Honey Grahams
11. Ginger Snaps.

RESPONSE: Kraft Foods incorporates by reference all of its General Objections as if specifically stated herein. Kraft Foods specifically objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome, is duplicative of other Requests, and is overly broad and unduly burdensome because the temporal limit on the documents requested exceeds the applicable statute of limitations. Further, Kraft Foods specifically objects to the extent that this Request calls for the disclosure of trade secrets or confidential, proprietary, or competitively sensitive information and will produce such documents only pursuant to an appropriate protective order. Subject to and without waiving its General Objections, Kraft Foods will make available to Plaintiffs at a mutually agreed time and place non-privileged,

1 responsive documents consisting of the actual advertisements in California for
2 Products identified in the Second Amended Complaint during the time period
3 covered by the applicable statute of limitations.

4 **REQUEST NO. 38**

5 For each of the PRODUCTS, all labels used during the CLASS PERIOD, and
6 DOCUMENTS sufficient to show the period of time during which each such label was
7 used.

8 **RESPONSE:** Kraft Foods incorporates by reference all of its General
9 Objections as if specifically stated herein. Kraft Foods specifically objects to
10 this Request on the grounds that it is vague, ambiguous, overly broad, and
11 unduly burdensome. In particular, this Request is duplicative of other Requests.
12 It is overly broad and unduly burdensome because there is no geographic limit
13 on the documents requested, and the temporal limit on the documents requested
14 exceeds the applicable statute of limitations. Subject to and without waiving its
15 General Objections, Kraft Foods will make available to Plaintiffs at a mutually
16 agreed time and place non-privileged, responsive documents consisting of the
17 actual labeling used in California for Products identified in the Second Amended
18 Complaint during the time period covered by the applicable statute of
19 limitations.
20

21 **REQUEST NO. 39**

22 For each of the PRODUCTS, all newspaper advertisements used during the
23 CLASS PERIOD and DOCUMENTS sufficient to show the period of time during
24 which each such advertisement was used.

25 **RESPONSE:** Kraft Foods incorporates by reference all of its General
26 Objections as if specifically stated herein. Kraft Foods specifically objects to
27

1 this Request on the grounds that it is vague, ambiguous, overly broad, and
2 unduly burdensome, is duplicative of other Requests, and is overly broad and
3 unduly burdensome because the temporal limit on the documents requested
4 exceeds the applicable statute of limitations. Further, Kraft Foods specifically
5 objects to the extent that this Request calls for the disclosure of trade secrets or
6 confidential, proprietary, or competitively sensitive information and will
7 produce such documents only pursuant to an appropriate protective order.
8 Subject to and without waiving its General Objections, Kraft Foods will make
9 available to Plaintiffs at a mutually agreed time and place non-privileged,
10 responsive documents constituting the newspaper advertisements in California,
11 if any exist, for Products identified in the Second Amended Complaint during
12 the time period covered by the applicable statute of limitations.

13 REQUEST NO. 40

14
15 For each of the PRODUCTS, (a) all radio and television advertisements used
16 during the CLASS PERIOD, (b) transcriptions of each such radio and television
17 advertisement, and (c) DOCUMENTS sufficient to show the period of time during
18 which each such radio or television advertisement was used.

19 RESPONSE: Kraft Foods incorporates by reference all of its General
20 Objections as if specifically stated herein. Kraft Foods specifically objects to
21 this Request on the grounds that it is vague, ambiguous, overly broad, unduly
22 burdensome, and duplicative of other Requests. This Request is also unduly
23 burdensome and seeks information that is not relevant because there is no
24 geographic limit on the documents requested, and the temporal limit on the
25 documents requested exceeds the applicable statute of limitations. Subject to
26 and without waiving its General Objections, Kraft Foods will make available to
27 Plaintiffs at a mutually agreed time and place non-privileged, responsive

documents consisting of radio and televisions advertisements that were used in California, if any exist, during the time period covered by the applicable statute of limitations.

REQUEST NO. 41

For each of the PRODUCTS, all Internet advertising used during the CLASS PERIOD, including native form HTML files and image files used on YOUR internet sites.

RESPONSE: Kraft Foods incorporates by reference all of its General Objections as if specifically stated herein. Kraft Foods specifically objects to this Request on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome because it seeks to have Kraft Foods produce responsive information in native form HTML files and image files and because the temporal limit on the documents requested exceeds the applicable statute of limitations. Further, Kraft Foods specifically objects to the extent that this Request calls for the disclosure of trade secrets or confidential, proprietary, or competitively sensitive information and will produce such documents only pursuant to an appropriate protective order. Subject to and without waiving its General Objections, Kraft Foods will make available to Plaintiffs at a mutually agreed time and place non-privileged, responsive documents from the time period covered by the applicable statute of limitations.

REQUEST NO. 42

For each of the PRODUCTS, all other advertisements used during the CLASS PERIOD including, without limitation, any direct mail, coupons, circulars, fliers, or handouts, and DOCUMENTS sufficient to show the period of time during which each such advertisement was used.

1 **RESPONSE:** Kraft Foods incorporates by reference all of its General
2 Objections as if specifically stated herein. Kraft Foods specifically objects to
3 this Request on the grounds that it is vague, ambiguous, overly broad, unduly
4 burdensome, and not reasonably calculated to lead to discovery of admissible
5 evidence, and is duplicative of other Requests. The Request also seeks
6 information which is not relevant because there is no geographic limit on the
7 documents requested, and the temporal limit on the documents requested
8 exceeds the applicable statute of limitations. Subject to and without waiving its
9 General Objections, Kraft Foods will make available to Plaintiffs at a mutually
10 agreed time and place non-privileged, responsive documents consisting of
11 marketing materials that were used in California, if any exist, during the time
12 period covered by the applicable statute of limitations.

13 **REQUEST NO. 43**

14 For each of the PRODUCTS, DOCUMENTS sufficient to show the year and
15 date when YOU began producing the PRODUCT.

16 **RESPONSE:** Kraft Foods incorporates by reference all of its General
17 Objections as if specifically stated herein. Kraft Foods specifically objects to
18 Plaintiffs' Request as seeking documents that are not relevant to class
19 certification issues. Kraft Foods further objects to this Request on the grounds
20 that it is vague, ambiguous, and not reasonably calculated to lead to the
21 discovery of admissible evidence.
22

23 **REQUEST NO. 44**

24 DOCUMENTS sufficient to show the amount of partially hydrogenated oil used
25 in each of the PRODUCTS during the CLASS PERIOD, including any changes
26 thereto.
27

1 **RESPONSE:** Kraft Foods incorporates by reference all of its General
2 Objections as if specifically stated herein. Kraft Foods specifically objects to
3 Plaintiffs' Request as seeking documents that are not relevant to class
4 certification issues. Kraft Foods further objects to this Request on the grounds
5 that it is overly broad, unduly burdensome, vague, ambiguous, and not
6 reasonably calculated to lead to the discovery of admissible evidence. In
7 particular, this Request is overly broad and unduly burdensome because there is
8 no geographic limit on the documents requested, and the temporal limit on the
9 documents requested exceeds the applicable statute of limitations. Further,
10 Kraft Foods specifically objects to the extent that this Request calls for the
11 disclosure of trade secrets or confidential, proprietary, or competitively sensitive
12 information.

13 **REQUEST NO. 45**

14 DOCUMENTS sufficient to show the amount of high fructose corn syrup used
15 in each of the PRODUCTS during the CLASS PERIOD, including any changes
16 thereto.

17 **RESPONSE:** Kraft Foods incorporates by reference all of its General
18 Objections as if specifically stated herein. Kraft Foods specifically objects to
19 Plaintiffs' Request as seeking documents that are not relevant to class
20 certification issues. Kraft Foods further objects to this Request on the grounds
21 that it is overly broad, unduly burdensome, vague, ambiguous, and not
22 reasonably calculated to lead to the discovery of admissible evidence. In
23 particular, this Request is overly broad and unduly burdensome because there is
24 no geographic limit on the documents requested, and the temporal limit on the
25 documents requested exceeds the applicable statute of limitations. Further,
26 Kraft Foods specifically objects to the extent that this Request calls for the

1 disclosure of trade secrets or confidential, proprietary, or competitively sensitive
2 information.

3 REQUEST NO. 46

4
5 DOCUMENTS sufficient to show the amount and makeup of vegetable powder
6 used in each of the PRODUCTS during the CLASS PERIOD, including any changes
thereto.

7 RESPONSE: Kraft Foods incorporates by reference all of its General
8 Objections as if specifically stated herein. Kraft Foods specifically objects to
9 Plaintiffs' Request as seeking documents that are not relevant to class
10 certification issues. Kraft Foods further objects to this Request on the grounds
11 that it is overly broad, unduly burdensome, vague, ambiguous, and not
12 reasonably calculated to lead to the discovery of admissible evidence. In
13 particular, this Request is overly broad and unduly burdensome because there is
14 no geographic limit on the documents requested, and the temporal limit on the
15 documents requested exceeds the applicable statute of limitations. Further,
16 Kraft Foods specifically objects to the extent that this Request calls for the
17 disclosure of trade secrets or confidential, proprietary, or competitively sensitive
18 information.

19
20 REQUEST NO. 47

21 DOCUMENTS sufficient to show the amount honey used in each of the
22 PRODUCTS during the CLASS PERIOD, including any changes thereto.

23 RESPONSE: Kraft Foods incorporates by reference all of its General
24 Objections as if specifically stated herein. Kraft Foods specifically objects to
25 Plaintiffs' Request as seeking documents that are not relevant to class
26 certification issues. Kraft Foods further objects to this Request on the grounds
27

1 that it is overly broad, unduly burdensome, vague, ambiguous, and not
2 reasonably calculated to lead to the discovery of admissible evidence. In
3 particular, this Request is overly broad and unduly burdensome because there is
4 no geographic limit on the documents requested, and the temporal limit on the
5 documents requested exceeds the applicable statute of limitations. Further,
6 Kraft Foods specifically objects to the extent that this Request calls for the
7 disclosure of trade secrets or confidential, proprietary, or competitively sensitive
8 information.

9
10 REQUEST NO. 48

11 DOCUMENTS sufficient to show the amount of unbleached enriched flour used
12 in each of the PRODUCTS during the CLASS PERIOD, including any changes
thereto.

13 RESPONSE: Kraft Foods incorporates by reference all of its General
14 Objections as if specifically stated herein. Kraft Foods specifically objects to
15 Plaintiffs' Request as seeking documents that are not relevant to class
16 certification issues. Kraft Foods further objects to this Request on the grounds
17 that it is overly broad, unduly burdensome, vague, ambiguous, and not
18 reasonably calculated to lead to the discovery of admissible evidence. In
19 particular, this Request is overly broad and unduly burdensome because there is
20 no geographic limit on the documents requested, and the temporal limit on the
21 documents requested exceeds the applicable statute of limitations. Further,
22 Kraft Foods specifically objects to the extent that this Request calls for the
23 disclosure of trade secrets or confidential, proprietary, or competitively sensitive
24 information.

1 REQUEST NO. 49

2 DOCUMENTS sufficient to show the amount of graham flour used in each of
3 the PRODUCTS during the CLASS PERIOD, including any changes thereto.

4 RESPONSE: Kraft Foods incorporates by reference all of its General
5 Objections as if specifically stated herein. Kraft Foods specifically objects to
6 Plaintiffs' Request as seeking documents that are not relevant to class
7 certification issues. Kraft Foods further objects to this Request on the grounds
8 that it is overly broad, unduly burdensome, vague, ambiguous, and not
9 reasonably calculated to lead to the discovery of admissible evidence. In
10 particular, this Request is overly broad and unduly burdensome because there is
11 no geographic limit on the documents requested, and the temporal limit on the
12 documents requested exceeds the applicable statute of limitations. Further,
13 Kraft Foods specifically objects to the extent that this Request calls for the
14 disclosure of trade secrets or confidential, proprietary, or competitively sensitive
15 information.

16 REQUEST NO. 50

17 DOCUMENTS sufficient to show the amount of ginger used in each of the
18 PRODUCTS during the CLASS PERIOD, including any changes thereto.

19 RESPONSE: Kraft Foods incorporates by reference all of its General
20 Objections as if specifically stated herein. Kraft Foods specifically objects to
21 Plaintiffs' Request as seeking documents that are not relevant to class
22 certification issues. Kraft Foods further objects to this Request on the grounds
23 that it is overly broad, unduly burdensome, vague, ambiguous, and not
24 reasonably calculated to lead to the discovery of admissible evidence. In
25 particular, this Request is overly broad and unduly burdensome because there is
26 no geographic limit on the documents requested, and the temporal limit on the
27

documents requested exceeds the applicable statute of limitations. Further, Kraft Foods specifically objects to the extent that this Request calls for the disclosure of trade secrets or confidential, proprietary, or competitively sensitive information.

REQUEST NO. 51

DOCUMENTS sufficient to show the amount of molasses used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

RESPONSE: Kraft Foods incorporates by reference all of its General Objections as if specifically stated herein. Kraft Foods specifically objects to Plaintiffs' Request as seeking documents that are not relevant to class certification issues. Kraft Foods further objects to this Request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. In particular, this Request is overly broad and unduly burdensome because there is no geographic limit on the documents requested, and the temporal limit on the documents requested exceeds the applicable statute of limitations. Further, Kraft Foods specifically objects to the extent that this Request calls for the disclosure of trade secrets or confidential, proprietary, or competitively sensitive information.

REQUEST NO. 52

DOCUMENTS sufficient to show the amount of disodium 5'-guanylate used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

RESPONSE: Kraft Foods incorporates by reference all of its General Objections as if specifically stated herein. Kraft Foods specifically objects to Plaintiffs' Request as seeking documents that are not relevant to class

1 certification issues. Kraft Foods further objects to this Request on the grounds
2 that it is overly broad, unduly burdensome, vague, ambiguous, and not
3 reasonably calculated to lead to the discovery of admissible evidence. In
4 particular, this Request is overly broad and unduly burdensome because there is
5 no geographic limit on the documents requested, and the temporal limit on the
6 documents requested exceeds the applicable statute of limitations. Further,
7 Kraft Foods specifically objects to the extent that this Request calls for the
8 disclosure of trade secrets or confidential, proprietary, or competitively sensitive
9 information.

10 REQUEST NO. 53

11 DOCUMENTS sufficient to show the amount of monosodium glutamate used in
12 each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

13
14 RESPONSE: Kraft Foods incorporates by reference all of its General
15 Objections as if specifically stated herein. Kraft Foods specifically objects to
16 Plaintiffs' Request as seeking documents that are not relevant to class
17 certification issues. Kraft Foods further objects to this Request on the grounds
18 that it is overly broad, unduly burdensome, vague, ambiguous, and not
19 reasonably calculated to lead to the discovery of admissible evidence. In
20 particular, this Request is overly broad and unduly burdensome because there is
21 no geographic limit on the documents requested, and the temporal limit on the
22 documents requested exceeds the applicable statute of limitations. Further,
23 Kraft Foods specifically objects to the extent that this Request calls for the
24 disclosure of trade secrets or confidential, proprietary, or competitively sensitive
25 information.

1
2
3
4 REQUEST NO. 54

DOCUMENTS sufficient to show the amount of hydrolyzed soy and wheat protein used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

5 RESPONSE: Kraft Foods incorporates by reference all of its General
6 Objections as if specifically stated herein. Kraft Foods specifically objects to
7 Plaintiffs' Request as seeking documents that are not relevant to class
8 certification issues. Kraft Foods further objects to this Request on the grounds
9 that it is overly broad, unduly burdensome, vague, ambiguous, and not
10 reasonably calculated to lead to the discovery of admissible evidence. In
11 particular, this Request is overly broad and unduly burdensome because there is
12 no geographic limit on the documents requested, and the temporal limit on the
13 documents requested exceeds the applicable statute of limitations. Further,
14 Kraft Foods specifically objects to the extent that this Request calls for the
15 disclosure of trade secrets or confidential, proprietary, or competitively sensitive
16 information.

17 REQUEST NO. 55

18 All DOCUMENTS constituting or RELATING TO any internal studies, market
19 analyses, competitive analyses or other research RELATING TO the labels of the
20 PRODUCTS.

21 RESPONSE: Kraft Foods incorporates by reference all of its General
22 Objections as if specifically stated herein. Kraft Foods specifically objects to
23 this Request on the grounds that it is vague, ambiguous, overly broad, and
24 unduly burdensome, that it is duplicative of other Requests, and that there is no
25 temporal limit on the documents requested. Further, Kraft Foods specifically
26 objects to the extent that this Request calls for the disclosure of trade secrets or
27

1 confidential, proprietary, or competitively sensitive information and will
2 produce such documents only pursuant to an appropriate protective order.
3 Subject to and without waiving its General Objections, Kraft Foods will make
4 available to Plaintiffs at a mutually agreed time and place non-privileged,
5 responsive documents, if any exist, from the time period covered by the
6 applicable statute of limitations.

7
8 REQUEST NO. 56

9 All DOCUMENTS constituting or RELATING TO any internal studies, market
10 analyses, competitive analysis or other research CONCERNING actual or anticipated
11 consumer reactions to or perceptions of the PRODUCTS, including without limitation
the labeling of the PRODUCTS.

12 RESPONSE: Kraft Foods incorporates by reference all of its General
13 Objections as if specifically stated herein. Kraft Foods specifically objects to
14 this Request on the grounds that it is vague, ambiguous, overly broad, and
15 unduly burdensome, that it is duplicative of other Requests, and that there is no
16 temporal limit on the documents requested. Further, Kraft Foods specifically
17 objects to the extent that this Request calls for the disclosure of trade secrets or
18 confidential, proprietary, or competitively sensitive information and will
19 produce such documents only pursuant to an appropriate protective order.
20 Subject to and without waiving its General Objections, Kraft Foods will make
21 available to Plaintiffs at a mutually agreed time and place non-privileged,
22 responsive documents from the time period covered by the applicable statute of
23 limitations.

24
25 REQUEST NO. 57

26 All DOCUMENTS CONCERNING any projections, predictions, estimates,
27 forecasts, analyses, summaries, surveys, or reports RELATING TO the impact on

1 consumers (actual or projected) of advertising the PRODUCTS in any manner alleged
2 by Plaintiffs in the currently-operative Complaint to be unlawful, including, for
3 example, any such projections, predictions, estimates, forecasts, analyses, summaries,
4 surveys or reports RELATING TO any of the specific labeling statements Plaintiffs
5 challenge.

6 RESPONSE: Kraft Foods incorporates by reference all of its General
7 Objections as if specifically stated herein. Kraft Foods specifically objects to
8 this Request on the grounds that it is vague, ambiguous, overly broad, and
9 unduly burdensome, that it is duplicative of other Requests, and that there is no
10 temporal limit on the documents requested. Further, Kraft Foods specifically
11 objects to the extent that this Request calls for the disclosure of trade secrets or
12 confidential, proprietary, or competitively sensitive information and will
13 produce such documents only pursuant to an appropriate protective order.
14 Subject to and without waiving its General Objections, Kraft Foods will make
15 available to Plaintiffs at a mutually agreed time and place non-privileged,
16 responsive documents concerning market research regarding the actual product
17 labels from the time period covered by the applicable statute of limitations.

18 REQUEST NO. 58

19 All DOCUMENTS CONCERNING any projections, predictions, estimates,
20 forecasts, analyses, summaries, surveys, or reports RELATING TO the impact on
21 YOUR revenue and profit (actual or projected) of advertising the PRODUCTS in any
22 manner alleged by Plaintiffs in the currently-operative Complaint to be unlawful,
23 including, for example, any such projections, predictions, estimates, forecasts,
24 analyses, summaries, surveys or reports RELATING TO any of the specific labeling
25 statements Plaintiffs challenge.

26 RESPONSE: Kraft Foods incorporates by reference all of its General
27 Objections as if specifically stated herein. Kraft Foods specifically objects to
28 this Request on the grounds that it is vague, ambiguous, overly broad, and
unduly burdensome, that it is duplicative of other Requests, and that there is no

1 temporal limit on the documents requested. Further, Kraft Foods specifically
2 objects to the extent that this Request calls for the disclosure of trade secrets or
3 confidential, proprietary, or competitively sensitive information and will
4 produce such documents only pursuant to an appropriate protective order.
5 Subject to and without waiving its General Objections, Kraft Foods will make
6 available to Plaintiffs at a mutually agreed time and place non-privileged,
7 responsive documents concerning market research regarding the actual product
8 labels from the time period covered by the applicable statute of limitations.

9
10 REQUEST NO. 59

11 All DOCUMENTS RELATING TO the effects of artificial trans fat on human
12 or animal health.

13 RESPONSE: Kraft Foods incorporates by reference all of its General
14 Objections as if specifically stated herein. Kraft Foods specifically objects to
15 Plaintiffs' Request as seeking documents that are not relevant to class
16 certification issues. Kraft Foods further objects to this Request on the grounds
17 that it is overly broad, unduly burdensome, vague, ambiguous, and not
18 reasonably calculated to lead to the discovery of admissible evidence. In
19 particular, this Request is overly broad and unduly burdensome because there is
20 no geographic or temporal limit on the documents requested. Further, Kraft
21 Foods specifically objects to the extent that this Request calls for the disclosure
22 of trade secrets or confidential, proprietary, or competitively sensitive
23 information.

24 REQUEST NO. 60

25 All DOCUMENTS RELATING TO or CONCERNING expert testimony you
26 intend to rely upon in opposing class certification.

1 RESPONSE: Kraft Foods incorporates by reference all of its General
2 Objections as if specifically stated herein. This request is premature. Kraft
3 Foods will disclose any expert testimony at the time set by the court's
4 scheduling order.

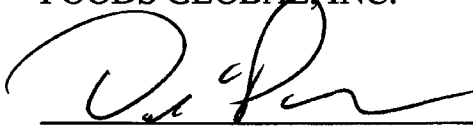
5 REQUEST NO. 61

6 All DOCUMENTS received by you from customers or consumers of the
7 Products commenting or complaining about their content, labels, or adverse reactions.

8 RESPONSE: Kraft Foods incorporates by reference all of its General
9 Objections as if specifically stated herein. Kraft Foods specifically objects to
10 this Request on the grounds that it is vague, ambiguous, overly broad, and
11 unduly burdensome, that it is duplicative of other Requests, and that there is no
12 geographic or temporal limit on the documents requested. Further, Kraft Foods
13 specifically objects to the extent that this Request calls for the disclosure of
14 trade secrets or confidential, proprietary, or competitively sensitive information
15 and will produce such documents only pursuant to an appropriate protective
16 order. Subject to and without waiving its General Objections, Kraft Foods will
17 make available to Plaintiffs at a mutually agreed time and place non-privileged,
18 responsive documents received from California consumers during the time
19 period covered by the applicable statute of limitations, if any exist.
20

1 Dated: March 1, 2011

KRAFT FOODS INC., KRAFT FOODS
NORTH AMERICA, and KRAFT
FOODS GLOBAL, INC.



By one of their attorneys

JENNER & BLOCK LLP
Dean N. Panos (*pro hac vice*)
dpanos@jenner.com
Stacy S. Jakobe (*pro hac vice*)
sjakobe@jenner.com
Jill M. Hutchison (*pro hac vice*)
jhutchison@jenner.com
353 N. Clark Street
Chicago, IL 60654-3456
Phone: (312) 222-9350
Fax: (312) 527-0484

JENNER & BLOCK LLP
Kenneth K. Lee (Cal. Bar No. 264296)
633 West 5th Street, Suite 3500
Los Angeles, CA 90071-2054
Phone: (213) 239-5100
Fax: (312) 239-5199

Attorneys for Defendants

CERTIFICATE OF SERVICE

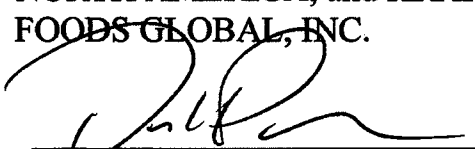
I hereby certify that on this 1st day of March 2011, a copy of Defendant's Responses to Plaintiffs' First Set of Requests for the Production of Documents Addressed to Kraft Foods Global, Inc. was served on the following parties by U.S. Mail and by e-mail:

Gregory S. Weston
The Weston Firm
888 Turquoise Street
San Diego, CA 92109
858-488-1672
480-247-4553 (fax)
greg@westonfirm.com

John Joseph Fitzgerald, IV
The Weston Firm
888 Turquoise Street
San Diego, CA 92109
858-488-1672
858-247-4553 (fax)
jack@westonfirm.com

Dated: March 1, 2011

KRAFT FOODS INC., KRAFT FOODS
NORTH AMERICA, and KRAFT
FOODS GLOBAL, INC.


By one of their attorneys

JENNER & BLOCK LLP
Dean N. Panos (*pro hac vice*)
dpanos@jenner.com
Stacy S. Jakobe (*pro hac vice*)
sjakobe@jenner.com
Jill M. Hutchison (*pro hac vice*)
jhutchison@jenner.com
353 N. Clark Street

Chicago, IL 60654-3456
Phone: (312) 222-9350
Fax: (312) 527-0484

JENNER & BLOCK LLP
Kenneth K. Lee (Cal. Bar. No. 264296)
633 West 5th Street
Los Angeles, CA 90071-2054
Phone: (213) 239-5100
Fax: (213) 239-5199

Attorneys for Defendants

Exhibit H

THE WESTON FIRM

888 Turquoise Street | San Diego, CA 92109

TEL: 858-488-1672
FAX: 480-247-4553
www.westonfirm.com

April 30, 2011

VIA EMAIL AND FIRST CLASS MAIL

Dean N. Panos
JENNER & BLOCK
353 N. Clark Street
Chicago, IL 60654
dpanos@jenner.com

**RE: *Red et al. v. Kraft Foods, Inc.*, No. 10-cv-01028-GW-AGR (C.D. Cal.)
Meet & Confer Regarding Plaintiff's Requests for Class Certification Discovery**

Dear Mr. Panos:

I write on behalf of Plaintiffs in the above-referenced action, in response to:

- Kraft's Objections to Plaintiffs' Notice of Taking Rule 30(b)(6) Deposition of Defendants, dated March 1, 2011 (the "30(b)(6) Objection");
- Kraft's Responses to Plaintiffs' First Set of Interrogatories Addressed to Kraft Foods Global, Inc., dated March 1, 2011 (the "Interrogatory Responses");
- Kraft's Responses to Plaintiffs' First Set of Requests for Production of Documents Addressed to Kraft Foods Global, Inc., dated March 1, 2011 (the "RFP Responses," together with the 30(b)(6) Objection and the Interrogatory Responses, the "Discovery Responses"); and
- Your e-mail of April 19, 2011, subject "RE: A Message From Greg Weston," which states:
Please note that in our responses to plaintiffs' Rule 30(b)(6) notices, Kraft objected to producing any person to provide responsive information dating back to January 2000, and therefore, your deposition notice indicating that Mr. Low would testify about Kraft's marketing and advertising for the products at issue going back to January 2000 is incorrect.

Pursuant to Local Rule 37-1, we request a meet and confer conference within 10 days with respect to the following discovery issues:

1. **Kraft's General Objection to the Time & Geographical Scope of Discovery**

Each of Kraft's Discovery Responses lodged the identical general objection to the time scope of Plaintiffs' discovery requests, that is:

Kraft Foods objects to Plaintiffs' Requests to the extent they seek information going back over ten years to 2000 as beyond the applicable statute of limitations. A three-year statute of limitations applies to CLRA claims, and a four-year statute of limitations applies to the alleged UCL and FAL claims. Cal. Civ. Code § 1783; Cal. Bus. & Prof. Code § 17208. Therefore, to the extent Kraft Foods agrees to provide responsive documents, Kraft Foods will provide only information going back four years from the date the initial Complaint was filed on February 11, 2010.

See RFP Responses at 1 ¶ 4; Interrogatory Responses at 3 ¶ 4; 30(b)(6) Objection at 1 ¶ 4.

Kraft's objection is improper. Plaintiffs' Second Amended Complaint alleges delayed discovery (SAC ¶¶ 140-144), and asserts a putative class of purchasers of the Kraft products at issue in this case beginning January 1, 2000. Kraft had the opportunity to challenge the alleged class period at the pleading stage, but elected not to. Moreover, after multiple rounds of detailed briefing, the Court denied Kraft's Motion to Dismiss the SAC in full. *Red v. Kraft*, 2011 U.S. Dist. LEXIS 26893 (C.D. Cal. Jan. 13, 2011). Thus, the currently-operative complaint on which Plaintiffs will soon move for class certification and are entitled full discovery alleges a class beginning in January 2000. Since the proper scope of discovery is matters "relevant to the claim or defense of any party," Fed. R. Civ. P. 26(b), Kraft's objection is improper.

We note, moreover, that Kraft's Answer (Dkt. No. 83) asserts eight affirmative defenses, ***but does not assert a statute of limitations defense***. It is improper for Kraft to assert such a defense as a shield to producing relevant discovery Plaintiffs are entitled and which they need in order to file their Motion for Class Certification. Even if Kraft were correct that the statute of limitations applied, Kraft is not entitled to make a unilateral decision as to the cut-off date of the discovery it will produce, and documents and testimony predating the limitations period would, in any event, still be relevant to Plaintiffs' claims.

Therefore, please confirm that Kraft withdraws this objection and will immediately produce discovery for the complete proper time period. Alternatively, in the spirit of compromise, we would be amenable to Kraft producing responsive information for only a portion of the disputed 6-year time period (from 2000 to 2006), a solution other parties have used under similar circumstances. See *Perez v. State Farm Mut. Auto Ins. Co.*, 2011 U.S. Dist. LEXIS 41009, at *13 (N.D. Cal. Apr. 11, 2011). We would suggest Kraft produce information for three years, probably 2000, 2002 and 2004.

Similarly, each of Kraft's Discovery Responses lodges the following general objection with respect to the geographical scope of discovery:

Page 3 of 19

Kraft objects to Plaintiffs' Requests to the extent that they seek documents related to Kraft's marketing, sale, and distribution of products in states other than California as not relevant and unduly burdensome.

See RFP Responses at 1 ¶ 3; Interrogatory Responses at 3 ¶ 3; 30(b)(6) Objection at 1 ¶ 3.

Like Kraft's objection to the time scope of discovery, Kraft's objection to producing discovery relevant to its nationwide marketing and sale of the Kraft PHVO Products is improper where Plaintiffs seek to represent a nationwide class.

2. Kraft's 30(b)(6) Objections

Of the 14 topics on which Plaintiffs sought a knowledgeable Kraft witness for issues relating to class certification, Kraft objected and refused to produce witnesses for all but three topics. Moreover, the witness Kraft produced on Topics 9 & 10, Amelia Strobel, only began working for Kraft in July 2009, and so had *no* knowledge about relevant information during almost the entire class period. See generally *Beauperthuy v. 24 Hour Fitness United States, Inc.*, 2009 U.S. Dist. LEXIS 104906, at *12-19 & n.5 (N.D. Cal. Nov. 10, 2009) (discussing requirements of Rule 30(b)(6) in context of recently-hired employee designated as witness most knowledgeable about company issues predating employment). Plaintiffs therefore request Kraft meet and confer with respect to the following:

30(b)(6) Topic No. 2

The creation, makeup, formula, recipe, and/or ingredients in the Kraft PHVO Products throughout the Class Period

Plaintiffs allege Kraft's advertising of the Kraft PHVO Products was misleading in part because of their composition. While Kraft asserts "the ingredients of the Products are fully disclosed and are known to Plaintiffs," this request seeks testimony about more than just the ingredients in the products, including, for example, the proportions and any changes thereto. That information informs the commonality and typicality requirements of Rule 23, since any substantial differences in the formula of the products during the class period may exclude certain groups and/or require certain subclasses. Therefore, please confirm Kraft will produce a 30(b)(6) witness on this topic.

30(b)(6) Topic Nos. 3-6, 11

(3) The manufacture and distribution of the Kraft PHVO Products throughout the Class Period.

(4) Sales numbers and figures concerning the Kraft PHVO Products throughout the Class Period.

(5) The geographic scope of sales of the Kraft PHVO Products throughout the Class Period.

(11) Defendants' knowledge of, study of, or research relating to the effects or impact of its advertising of the Kraft PHVO Products during the Class Period on Defendants' revenue and profit.

Plaintiffs seek a nationwide California law class. Information relating to the location of Kraft's manufacture and distribution of the Kraft PHVO Products during the Class Period, and relating to the geographical scope or distribution of sales of the Kraft PHVO Products during the Class Period, is relevant to the question of whether the Court may constitutionally apply California law to a nationwide class. Moreover, elsewhere Kraft agreed to produce documents relating to "MARKETING analysis or research conducted *in connection with the promotion, advertising, packaging, labeling, distribution or sale* of the PRODUCTS," acknowledging the relevance of these topics to issues on class certification (*see* RFP Response No. 19). Therefore, please confirm Kraft will produce a 30(b)(6) witness on these topics.¹

30(b)(6) Topic No. 8

Defendants' knowledge of, study of, or research relating to the effects of the Kraft PHVO Products on consumers' health.

This topic is relevant to the question of commonality, inasmuch as Plaintiffs seek information relating to the common behavior of Defendant Kraft. To the extent that Kraft studied or knew of the harmful effects of the Kraft PHVO Products and advertised them as healthy anyway, as Plaintiffs allege, this would factor into the question of whether the challenged advertisements were deceptive, or likely to deceive reasonable consumers and other members of the class. Therefore, please confirm Kraft will produce a 30(b)(6) witness on this topic.

¹ In response to Topic No. 5, Kraft stated that it "will propose a stipulation identifying the states in which Kraft Foods sells these Produces in lieu of producing a witness. To date Plaintiffs have not received such a stipulation.

30(b)(6) Topic Nos. 9-10

(9) Defendants' knowledge of, study of, or research relating to the effects or impact of its advertising of the Kraft PHVO Products during the Class Period on consumers' perceptions of the Kraft PHVO Products.

(10) Defendants' knowledge of, study of, or research relating to the effects or impact of its advertising of the Kraft PHVO Products during the Class Period on consumers' perceptions of the Kraft PHVO Products.

As noted above, Kraft produced a 30(b)(6) witness on these topics, Ms. Strobel, but Ms. Strobel did not have any information predating the beginning of her employment in July 2009. Therefore, please confirm Kraft will produce a 30(b)(6) witness on these topics who is knowledgeable about the full class period.²

Plaintiffs reserve the right to seek meet and confer discussions with respect to any of the remaining topics to which Kraft objected and refused to produce a witness.

3. Kraft's Interrogatory Responses

Interrogatory No. 1

Identify all PRODUCTS YOU sold during the CLASS PERIOD, including but not limited to the PRODUCTS, that contained partially hydrogenated oil, and for each such PRODUCT (a) identify the amount of revenue YOU received from its sale during the CLASS PERIOD; and (b) the time period during the CLASS PERIOD which such products that contained partially hydrogenated oil were sold or manufactured by YOU.

Kraft objects to this interrogatory on several grounds, including that it asks Kraft to identify products, other than those already identified in the SAC, which contained trans fat during the class period. But this is exactly the information Plaintiffs seek by this interrogatory, and to which they are entitled, since they may amend their Complaint to the extent Kraft engaged in related unlawful behavior. The law provides that Plaintiffs need not share the exact injury of every class member. Moreover, if necessary, Plaintiffs could seek additional class representatives. This information is relevant to defining the full scope of the class and issues in this case.

Kraft also objects on grounds that the interrogatory is not relevant to class certification, but Kraft's revenue from the sale of the challenged products during the time period is relevant to numerosity, CAFA jurisdiction (Plaintiffs must prove jurisdiction as part of their class certification motion), whether Kraft's behavior is provable on a class-wide basis, and the propriety of applying a nationwide California law class.

² We note that Ms. Strobel identified her predecessor at her deposition.

Page 6 of 19

Therefore, please confirm that Kraft will provide a full response to this Interrogatory, or propose a reasonable compromise.

Interrogatory Nos. 2, 7

(2) Identify each of YOUR employees involved in the MARKETING, advertising and/or promotion of YOUR PRODUCTS and for each individual (a) state his or her employer or title, (b) describe the nature of his or her involvement, and (c) identify his or her address of employment.

(7) Identify all PERSON(S) involved at any time in the creation of advertising for the PRODUCTS by stating each PERSON(S) name, title, employer, business address, department or division, whether the PERSON is currently employed by YOU and, if not, the PERSON'S last known home address, business address, and telephone number.

Kraft responds in part by reference to its Rule 26 initial disclosures. With respect to Interrogatory No. 2, this answer is insufficient because it fails to identify the nature of each person's involvement such that Plaintiffs may seek the deposition of the most appropriate witnesses. Plaintiffs are willing to compromise, for example, by permitting Kraft to identify the 10 individuals most involved during the class period, or identifying all people who were in certain positions during the class period. Plaintiff is also amenable to any suggestion from Kraft.

Plaintiffs believe Kraft's response is also insufficient and Kraft's objections unwarranted with respect to Interrogatory No. 7. Plaintiffs will nevertheless, in the spirit of compromise, stand momentarily on Kraft's answer to Interrogatory No. 7, while expressly reserving all rights to seek further response from Kraft (unless Kraft voluntarily elects to more fully supplement its response).

Interrogatory No. 3

Identify the amount of partially hydrogenated oil and trans fat for each PRODUCT during the CLASS PERIOD to the nearest one hundred milligrams and any changes thereto.

Kraft objects to this request as not relevant to class certification issues, but Plaintiffs in this action allege Kraft's advertising is misleading because of the products' trans fat content. In order to show how they intend to prove their claims on a class-wide basis, Plaintiffs are entitled to know exactly how much trans fat was in each of the Kraft products throughout the class period. Therefore, please confirm Kraft will provide a full response to this interrogatory.

Page 7 of 19

Interrogatory No. 4-6

(4) Provide on a quarterly basis the net sales and cost of goods sold attributable to the sale of the PRODUCTS in the United States during the CLASS PERIOD, as these terms are used in Generally Accepted Accounting Practices.

(5) Provide on a quarterly basis the advertising and promotional expenses attributable to the sale of the Products in the United States during the Class Period.

(6) State the amount of money YOU spent on the advertising and promotion of the PRODUCTS in the United States for each year in the CLASS PERIOD or fraction thereof.

Kraft objects and refuses to respond to these interrogatories on grounds including that the phrase “advertising and promotion” is supposedly vague. That term, however, is a standard industry term. Therefore, to the extent Kraft does not understand what “advertising and promotion” means such that it cannot respond to this interrogatory, please explain the ambiguity so that we may be more specific in our request.

Kraft also objects that its advertising and promotional spending, net sales, and cost of goods sold during the class period are not relevant to certification issues. However, Kraft’s national advertising spending is relevant to the question of whether Kraft’s behavior may be proved on a class-wide basis, and to the issues of numerosity and commonality, and Kraft’s sales and cost of goods sold is relevant to issues including numerosity, commonality and the propriety of certifying a nationwide California law class. Therefore, please confirm that Kraft will provide full responses to these interrogatories.

Interrogatory No. 11

Identify the name, address, and phone number of any advertising agencies YOU used during the CLASS PERIOD for services relating to the PRODUCTS.

Plaintiffs challenge Kraft’s advertising in this action. The identity of third parties who may have relevant information about that advertising is therefore highly relevant and a proper interrogatory inquiry. Kraft’s refusal to respond on the purported basis that the interrogatory calls for irrelevant information is absurd and, we believe, obstructionist. Moreover, Kraft’s objection that identifying the advertising agencies that worked on advertising for the few products in this case over the course of ten years is not burdensome. Therefore, please confirm Kraft will respond to this interrogatory in full.

Interrogatory No. 13

Identify, by name and address, all stores and/or distributors carrying YOUR PRODUCTS in the United States during the CLASS PERIOD, including the name and address of all such stores and distributors.

In response to this interrogatory, Kraft stated it would “supplement its Response with a list of customers located in California who are or were distributors or retailers of some or all of the Products during some or all of the time period covered by the applicable statute of limitations.” Kraft has, as yet, produced no such supplemental list.

In any event, Kraft’s unilateral limitation of information in both geographic and temporal scope is improper, as discussed above. Plaintiffs seek a nationwide class and the proportion of Kraft’s customers present in California is relevant to the question of whether California law may apply to a nationwide class. Please confirm that Kraft will produce the supplemental list described with respect to each of the 50 states for the full time period, or propose a reasonable alternative, such as a sampling and stipulation that the information is the same throughout the proposed class period.

Verification

When will Kraft provide the required verification of its Interrogatory Responses?

4. Kraft’s RFP Responses

Request for Production No. 2

All of YOUR document retention policies in effect during the CLASS PERIOD.

Defendant objects that its document retention policies are not relevant to class certification issues, and further that the time period is excessive. Document retention policies, however, are routinely produced early in discovery and are relevant to class certification because they will allow Plaintiffs to ascertain the completeness of any production and the extent to which they will need to question Kraft’s witnesses about documents that once existed but were destroyed or that were destroyed by Kraft but may be in the possession of other parties. Moreover, the standard for discovery is matters likely to lead to the discovery of admissible evidence—the discovery itself need not be strictly relevant to class certification issues.

As a compromise, we would ask Kraft to immediately produce all document retention policies that have been in effect the four years prior to the filing of the complaint, and further limited to business units involved with the production and marketing of the products at issue in the complaint. We note, moreover, that Ms. Strobel recently testified that Kraft does not have any document retention policy. If Ms. Strobel is correct, please provide a supplemental response to that effect.

Please let me know if your client accepts this compromise or has other suggestions to resolve this issue.

Requests for Production No. 3-4

(3) Organization charts sufficient to show YOUR employees who, during the CLASS PERIOD, were involved in the MARKETING, manufacturing, or developing any of the PRODUCTS.

(4) DOCUMENTS sufficient to show the identity of any suppliers, vendors, or distributors involved in the MARKETING, manufacturing, or developing of any of the PRODUCTS during the CLASS PERIOD.

Kraft objects based on the grounds that the requests are not relevant to class certification, are ambiguous, and are overly broad and unduly burdensome because there are no geographic and temporal limits.

The identification of Kraft's employees, suppliers and vendors involved in marketing, manufacturing or developing the Kraft PHVO Products at issue in this case is clearly calculated at obtaining admissible evidence, since those persons may testify to relevant facts or produce relevant documents.

Moreover, Request No. 3 is quite specific. However, if there are multiple types of its documents which Kraft understands to be "organization chart" responsive to this request, Kraft should produce all such charts. Alternatively, if Kraft does not understand "organization chart," please advise us the specific ambiguity so that we may rephrase the request more specifically.

Finally, we do not believe the temporal limit is excessive, even if it extends past what Kraft considers to be the statute of limitations, as we discussed above, especially provided that conduct occurring outside the purported statute of limitations period is likely to be relevant to the sales and marketing activity that occurred within the purported statute of limitations. The geographic limit on all requests for production is the United States, which is appropriate given that Plaintiffs have alleged a nationwide class and Kraft sells its products in all fifty states.

Requests for Production Nos. 6-11

(6) All DOCUMENTS summarizing the sales, [under] Generally Accepted Accounting Principles, attributable to the sale of the PRODUCTS in the United States during the CLASS PERIOD.

(7) All DOCUMENTS summarizing the cost of goods sold attributable to the sale of the PRODUCTS in the United States during the CLASS PERIOD.

(8) All DOCUMENTS summarizing the advertising and promotional expenses attributable to the sale of the PRODUCTS in the United States during the CLASS PERIOD.

(9) All DOCUMENTS summarizing the research and development expenses attributable to the PRODUCTS during the CLASS PERIOD.

(10) All DOCUMENTS summarizing the operating income, as defined under Generally Accepted Accounting Principles, attributable to the sale of the PRODUCTS in the United States during the CLASS PERIOD.

(11) All DOCUMENTS summarizing the gross margin, [under] Generally Accepted Accounting Principles, for the PRODUCTS and any other similar products not containing trans fat manufactured, sold, or licensed for sale by YOU in the United States during the CLASS PERIOD.

Kraft objects to each of these requests on grounds that, among other things, the requests are not relevant to class certification, and that the time period of the requests exceeds what Kraft believes is the applicable statute of limitations.

Each request is relevant to issues Plaintiffs will raise on class certification. Specifically, Plaintiffs seek a nationwide California law class. Information relating to Kraft's sales of the Kraft PHVO Products during the Class Period, and related financial and sales information, is relevant to the question of whether the Court may constitutionally apply California law to a nationwide class. Many of these requests also relate to Rule 23 requirements. For example, Kraft's cost of goods sold is relevant to both the question of numerosity and to whether Plaintiffs can prove damages can be calculated on a class-wide basis, i.e. commonality.

Request for Production No. 12

All DOCUMENTS or COMMUNICATIONS sent or received by YOU from or to any health care professional, science-related organization, or nutrition-related organization regarding the PRODUCTS, including, but not limited to, letters, correspondence and reports.

Kraft objects to this request on grounds that it is not relevant to class certification, but this request is relevant to whether the requirements of Federal Rule of Civil Procedure 23(b)(2) are satisfied, i.e. whether Kraft has acted or refused to act in a manner generally applicable to all class members, rendering injunctive or declaratory relief appropriate to the class as a whole.

Request for Production No. 13

All DOCUMENTS that refer to or discuss the United States Food and Drug Administration and the advertising, MARKETING, sale or distribution of the PRODUCTS.

Kraft has agreed to produce responsive documents, but arbitrarily limits its response in geographic scope to California, and to the time period Kraft believes is the statute of limitations period. Such limitations are improper, but in any event, Plaintiffs have not yet received any

Page 11 of 19

documents referring to or discussing the United States Food and Drug Administration. Therefore, please clarify whether Kraft is withholding any documents responsive and, if so, on what bases.

Moreover, Kraft did not produce a privilege log. Therefore, please confirm Kraft is not withholding any documents responsive to these requests on the basis of privilege, or produce a privilege log.

Requests for Production Nos. 14 and 15

(14) Exemplars of all sales materials, promotional materials and advertisements including, but not limited to, print, radio, and television advertisements, packaging, product labeling and point of sale literature which in anyway refer to, depict and/or discuss the PRODUCTS, including all versions and drafts.

(15) Exemplars of all packaging, labeling, instructions, package inserts and informational brochures relating to the PRODUCTS, including all versions, drafts, and revisions.

Kraft has agreed produce responsive documents that reflect actual packaging or marketing of the products in California during the time period covered by the applicable statute of limitations. Plaintiffs, however, are seeking certification of a nationwide class beginning January 1, 2000 and so Kraft must provide responsive documents that reflect packaging or marketing of the products nationwide during the Class Period.

Moreover, Kraft did not produce a privilege log. Therefore, please confirm Kraft is not withholding any documents responsive to these requests on the basis of privilege, or produce a privilege log.

Request for Production No. 16

All DOCUMENTS RELATING TO, constituting or comprising substantiation of claims made by YOU about the PRODUCTS to third parties during the CLASS PERIOD, including requests by third parties for claims substantiation and YOUR response(s).

Kraft objects that this is not relevant to class certification issues, but this request is relevant to whether the requirements of Federal Rule of Civil Procedure 23(b)(2) are satisfied, i.e. whether Kraft has acted or refused to act in a manner generally applicable to all class members, rendering injunctive or declaratory relief appropriate to the class as a whole. Moreover, to the extent "claims" was ambiguous, we clarify that the request refers to the advertising claims at issue in this action as detailed in the currently-operative complaint, i.e., the SAC. Please confirm Kraft will produce responsive documents.

Requests for Production Nos. 17, 18, and 20

(17) All DOCUMENTS that evidence, discuss, or reflect when and where print, radio or television advertisements relating to the PRODUCTS were disseminated in the United States during the CLASS PERIOD including, without limitation, media plans.

(18) All DOCUMENTS which evidence, memorialize, summarize or discuss any decision about how to MARKET or advertise the PRODUCTS in the United States during the CLASS PERIOD.

(20) All DOCUMENTS which evidence, reflect, or discuss any potential or actual revisions or modifications made in the packaging or advertisement of the PRODUCTS.

Kraft objects to these requests as seeking documents that are not relevant because they concern advertisements disseminated outside of California. However, Plaintiffs are seeking nationwide class certification and so Kraft should not limit its responses to California. Neither should Kraft limit its responses to what they contend is the applicable statute of limitations because conduct which occurred outside the statute of limitations period is likely, in any event, to be relevant to the sales and marketing activity that occurred within the statute of limitations.

Moreover, Kraft did not produce a privilege log. Therefore, please confirm Kraft is not withholding any documents responsive to these requests on the basis of privilege, or produce a privilege log.

Requests for Production Nos. 19, 55-58

(19) All DOCUMENTS which constitute, evidence, embody, refer to or discuss any focus group report, consumer survey, study, report, poll or any other MARKETING analysis or research conducted in connection with the promotion, advertising, packaging, labeling, distribution or sale of the PRODUCTS during the CLASS PERIOD.

(55) All DOCUMENTS constituting or RELATING TO any internal studies, market analyses, competitive analyses or other research RELATING TO the labels of the PRODUCTS.

(56) All DOCUMENTS constituting or RELATING TO any internal studies, market analyses, competitive analysis or other research CONCERNING actual or anticipated consumer reactions to or perceptions of the PRODUCTS, including without limitation the labeling of the PRODUCTS.

(57) All DOCUMENTS CONCERNING any projections, predictions, estimates, forecasts, analyses, summaries, surveys, or reports RELATING TO the impact on consumers (actual or projected) of advertising the PRODUCTS in any manner alleged by Plaintiffs in the currently-operative Complaint to be unlawful, including, for example, any

such projections, predictions, estimates, forecasts, analyses, summaries, surveys or reports **RELATING TO** any of the specific labeling statements Plaintiffs challenge.

(58) All DOCUMENTS CONCERNING any projections, predictions, estimates, forecasts, analyses, summaries, surveys, or reports **RELATING TO** the impact on YOUR revenue and profit (actual or projected) of advertising the PRODUCTS in any manner alleged by Plaintiffs in the currently-operative Complaint to be unlawful, including, for example, any such projections, predictions, estimates, forecasts, analyses, summaries, surveys or reports **RELATING TO** any of the specific labeling statements Plaintiffs challenge.

In response to these requests, Kraft agreed to produce:

- “non-privileged, responsive documents from the time period covered by the applicable statute of limitations” (request nos. 19, 56);
- “non-privileged, responsive documents, if any exist, from the time period covered by the applicable statute of limitations” (request no. 55); and
- “non-privileged, responsive documents concerning market research regarding the actual product labels from the time period covered by the applicable statute of limitations” (request Nos. 57-58).

Setting aside the propriety of the limited temporal scope of discovery offered, it is apparent after the deposition of Ms. Strobel that Kraft has failed to produce very many such responsive documents. For example, Ms. Strobel testified that in connection with her function as Kraft’s Director of Kraft’s Consumer Insights from July 2009 to the present, in which she regularly deals with focus group reports, consumer surveys, studies, reports, polls, and other marketing analysis, and that she communicates regularly by email. Such documents clearly fall within this request, yet Kraft’s entire production appears to include only a single email, but in any event, at least very few emails. This is just one example of Kraft’s deficiency.

We would like to discuss Kraft’s response to this request, including what procedures would be appropriate in order for Kraft to supplement its response, for example, including searching the emails of various individuals Ms. Strobel identified, etc.

Moreover, Kraft did not produce a privilege log. Therefore, please confirm Kraft is not withholding any documents responsive to these requests on the basis of privilege, or produce a privilege log.

Request for Production No. 23

All DOCUMENTS which reflect, summarize, analyze or discuss the pricing of the PRODUCTS, including wholesale or retail prices.

Kraft Foods objects to this Request as seeking documents that are not relevant to class certification issues. However, the pricing of products is relevant to show that Plaintiffs can prove that they can calculate damages on a class-wide basis. Kraft also objects on grounds that this Request is overly broad and unduly burdensome because there is no geographic or temporal limit on the documents requested. We do not believe the temporal limit is excessive, even if it extends past what Kraft believes to be the statute of limitations, given that conduct which occurred outside the statute of limitations period is likely to be relevant to the sales and marketing activity that occurred within the statute of limitations. The geographic limit on all requests for production is the United States, which is appropriate given that Plaintiffs have alleged a nationwide class and Kraft sells its products in all fifty states. To the extent Kraft is withholding documents on the basis of confidentiality, a protective order has now been entered in this action.

Request for Production No. 29

DOCUMENTS sufficient to show in which U.S. states the PRODUCTS were available during the CLASS PERIOD, including any changes thereto.

This request seeks information relevant to class certification as it concerns the geographic scope of the class. We therefore do not believe that your objection that this is not relevant to class certification issues has merit.

Requests for Production Nos. 30 and 31

(30) For each of YOUR PRODUCTS, DOCUMENTS sufficient to show the amount and percentage of units manufactured in the United States that were manufactured entirely in California for each year of the CLASS PERIOD.

(31) For each of YOUR PRODUCTS, DOCUMENTS sufficient to show the amount and percentage of units manufactured in the United States that were manufactured partly in California for each year of the CLASS PERIOD.

The location of Kraft's marketing and manufacturing is relevant to determining the proper scope of the class, as well as the propriety of a nationwide California law class. Specifically, Plaintiffs seek documents substantiating the claim that the certification of a nationwide California law class would not be so unfair to Kraft as to offend Due Process as described by the Supreme Court in *Phillips Petroleum Co. v. Shutts*, 472 U.S. 797 (1985). Please confirm Kraft will produce documents responsive to these requests.

Request for Production No. 32

For each of YOUR PRODUCTS, DOCUMENTS sufficient to show the amount and percentage of your sales in the United States that were sold in California for each year of the CLASS PERIOD.

In your response to Request 32, you state that Kraft will propose a stipulation in lieu of production of documents but has not yet done so. Plaintiffs are amenable to such a stipulation by which Kraft identifies for each of the past two years in which Kraft has complete information, the percentage of United States sales of the products identified in the complaint that occurred in California and additionally that the percentage did not vary by a material amount in previous years that are at issue in the complaint. Please let me know if Kraft will so stipulate, or else propose an alternative stipulation.

Request for Production Nos. 33 and 34

(33) For each of YOUR PRODUCTS, DOCUMENTS sufficient to show the amount and percentage of funds spent on television advertisements in California media markets relative to the amount and percentage of funds spent on television advertisements that did not reach California media markets, for each year during the CLASS PERIOD.

(34) For any advertisement of any PRODUCT that ran on television during the CLASS PERIOD, DOCUMENTS sufficient to show (a) the location where the advertisement was produced and filmed, and (b) the company or companies that produced and filmed the advertisement.

Kraft objects to these requests as seeking documents that are not relevant to the class certification issues. However, this information is necessary to show that Defendant has sufficient contacts with the chosen venue to make jurisdiction proper, as well as to demonstrate the propriety of a nationwide California law class. Plaintiffs will be unable to obtain class certification if they cannot show that the Court has jurisdiction to hear the case. Kraft's remaining objections are meritless for the reasons previously discussed. Therefore, please confirm Kraft will produce documents responsive to this request.

Request for Production No. 35

For each of YOUR PRODUCTS, DOCUMENTS sufficient to show or calculate YOUR total revenue from the sale of such PRODUCTS in the United States for each year in the CLASS PERIOD.

The request for Kraft's revenue from sales of the products at issue during the class period is likely to produce admissible evidence related to the class certification prerequisite of numerosity. Plaintiffs will agree to withdraw this request if Kraft stipulates that it will not oppose

Page 16 of 19

class certification on the grounds of numerosity and that the proposed class in the complaint, were it to be certified, would contain at least 1,000 members. Will Kraft so stipulate?

Request for Production No. 36

For each of YOUR PRODUCTS, DOCUMENTS sufficient to show or calculate YOUR total profit from the sale of PRODUCTS in the United States for each year in the CLASS PERIOD.

Kraft Foods objects to this request as seeking documents that are not relevant to class certification issues. However, the profit information sought is necessary so Plaintiffs can show they can calculate damages on a class-wide basis. Kraft's remaining objections are meritless for the reasons previously discussed. Therefore, please confirm Kraft will produce documents responsive to this request.

Requests for Production Nos. 37-39

(37) All DOCUMENTS constituting or RELATING TO advertisements during the CLASS PERIOD for the KRAFT PHVO PRODUCTS.

(38) For each of the PRODUCTS, all labels used during the CLASS PERIOD, and DOCUMENTS sufficient to show the period of time during which such label was used.

(39) For each of the PRODUCTS, all newspaper advertisements used during the CLASS PERIOD and DOCUMENTS sufficient to show the period of time during which each such advertisement was used.

While agreeing to produce documents in response to each of these requests, Kraft unilaterally limits its response to "actual advertisements," only if they were used in California, and only if they were used during the time period Kraft believes is within the statute of limitations. As discussed above, these limitations are improper. Moreover, with respect to each of these requests, Kraft failed to produce documents sufficient to identify the time period during which each label or advertisement used was in effect, as requested. Please confirm Kraft will produce documents responsive to the full request.

Moreover, Kraft did not produce a privilege log. Therefore, please confirm Kraft is not withholding any documents responsive to these requests on the basis of privilege, or produce a privilege log.

Request for Production No. 40

(40) For each of the PRODUCTS, (a) all radio and television advertisements used during the CLASS PERIOD, (b) transcriptions of each such radio and television

advertisement, and (c) **DOCUMENTS** sufficient to show the period of time during which each such radio or television advertisement was used.

(41) For each of the **PRODUCTS**, all Internet advertising used during the **CLASS PERIOD**, including native form HTML files and image files used on **YOUR** internet sites.

(42) For each of the **PRODUCTS**, all other advertisements used during the **CLASS PERIOD**, including, without limitation, any direct mail, coupons, circulars, fliers, or handouts, and **DOCUMENTS** sufficient to show the period of time during which each such advertisement was used.

Kraft agreed to produce documents, but Plaintiffs have received transcripts of apparently two ads. Moreover, for the reasons discussed, Kraft's geographical and time limitations on its agreed production to these requests are improper. Moreover, with respect to each of these requests, Kraft failed to produce documents sufficient to identify the time period during which each label or advertisement used was in effect, as requested. Please confirm Kraft will produce these as previously agreed or state that no such documents exist.

Moreover, Kraft did not produce a privilege log. Therefore, please confirm Kraft is not withholding any documents responsive to these requests on the basis of privilege, or produce a privilege log.

Request for Production No. 43

For each of the PRODUCTS, DOCUMENTS sufficient to show the year and date when YOU began producing the PRODUCT.

Kraft objects to this request as seeking documents that are not relevant to class certification issues. However, the time periods in which Defendant produced each product is relevant to determining the class period, as well as showing that Plaintiffs can prove damages on a class-wide basis. Moreover, this request is extremely narrow and concerns basic information about this action. Therefore, please confirm Kraft will produce responsive documents, or a summary document responsive to the request.

Requests for Production Nos. 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54

(44) **DOCUMENTS** sufficient to show the amount of partially hydrogenated oil used in each of the **PRODUCTS** during the **CLASS PERIOD**, including any changes thereto.

(45) **DOCUMENTS** sufficient to show the amount of high fructose corn syrup used in each of the **PRODUCTS** during the **CLASS PERIOD**, including any changes thereto.

(46) **DOCUMENTS** sufficient to show the makeup of vegetable powder used in each of the **PRODUCTS** during the **CLASS PERIOD**, including any changes thereto.

(47) DOCUMENTS sufficient to show the amount of honey used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

(48) DOCUMENTS sufficient to show the amount of unbleached enriched flour used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

(49) DOCUMENTS sufficient to show the amount of graham flour used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

(50) DOCUMENTS sufficient to show the amount of ginger used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

(51) DOCUMENTS sufficient to show the amount of molasses used in each of the PRODUCTS DURING the CLASS PERIOD, including any changes thereto.

(52) DOCUMENTS sufficient to show the amount of disodium 5'-guanylate used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

(53) DOCUMENTS sufficient to show the amount of monosodium glutamate used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

(54) DOCUMENTS sufficient to show the amount of hydrolyzed soy and wheat protein used in each of the PRODUCTS during the CLASS PERIOD, including any changes thereto.

Kraft objects to these requests as seeking documents that are not relevant to class certification issues. However, this request is relevant to whether the requirements of Federal Rule of Civil Procedure 23(b)(2) are satisfied, i.e. whether Kraft has acted or refused to act in a manner generally applicable to all class members, rendering injunctive or declaratory relief appropriate to the class as a whole. Moreover, the proportions of ingredients in the Kraft PHVO Products, and any changes thereto during the Class Period, informs the commonality and typicality requirements of Rule 23, since any substantial differences in the formula of the products during the class period may exclude certain groups and/or require certain subclasses. Kraft also objects on the grounds that there are no geographic or temporal limits on the request. We do not believe the temporal limit is excessive, even if it extends past what you consider to be the statute of limitations, given that conduct which occurred outside the statute of limitations period is likely to be relevant to the sales and marketing activity that occurred within the statute of limitations. The geographic limit on all requests for production is the United States, which is appropriate given that Plaintiffs have alleged a nationwide class and Kraft sells its products in all fifty states. Therefore, please confirm Kraft will produce responsive documents, or a summary document responsive to the request.

Page 19 of 19

Request for Production No. 59

All DOCUMENTS RELATING TO the effects of artificial trans fat on human or animal health.

Kraft objects to this request as seeking documents that are not relevant to class certification issues. However, this information is necessary so that Plaintiffs can demonstrate viable proof on a class-wide basis that Kraft knew of the adverse effects of trans fat. Kraft also objects on the grounds that there are no geographic or temporal limits on the request. We do not believe the temporal limit is excessive, even if it extends past what you consider to be the statute of limitations, given that conduct which occurred outside the statute of limitations period is likely to be relevant to the sales and marketing activity that occurred within the statute of limitations. The geographic limit on all requests for production is the United States, which is appropriate given that Plaintiffs have alleged a nationwide class and Kraft sells its products in all fifty states. Therefore, please confirm Kraft will produce responsive documents, or a summary document responsive to the request.

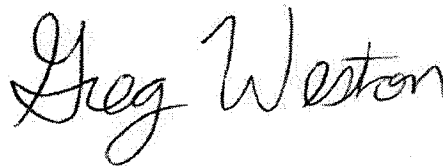
Request for Production No. 61

All DOCUMENTS received by you from customers or consumers of the PRODUCTS commenting or complaining about their content, labels, or adverse reactions.

Kraft agreed to produce responsive documents with unilaterally-imposed geographic and temporal scope limitations, but in any event, Plaintiffs have not received any documents concerning customer complaints about the content or labels of your products, or adverse reactions thereto. We therefore request that Kraft produce these as previously agreed or state that no such documents exist (or if they do exist, on what basis Kraft is withholding any such documents notwithstanding its agreement to produce such documents).

Please let me know when you are available to meet and confer regarding these issues

Sincerely,

A handwritten signature in black ink that reads "Greg Weston". The signature is written in a cursive, flowing style.

Gregory S. Weston
THE WESTON FIRM

CC: Kenneth K. Lee; Ron Marron; Jack Fitzgerald

Exhibit I

Guajardo, Gabriella L.

From: Merkouris, Jessica
Sent: Friday, June 10, 2011 2:51 PM
To: Guajardo, Gabriella L.
Subject: FW: Red v. Kraft - Joint Stipulation Regarding Plaintiffs' Motion to Compel
Attachments: Joint Stipulation Regarding Plaintiffs' Motion to Compel (Plaintiff Draft 5-26).docx; Notice of Motion to Compel.pdf; Declaration of Gregory Weston Regarding Plaintiffs' Motion to Compel.pdf

From: Jack Fitzgerald [mailto:jack@westonfirm.com]
Sent: Thursday, May 26, 2011 8:05 PM
To: Panos, Dean N; Lee, Kenneth K.; Hutchison, Jill M.
Cc: greg@westonfirm.com; mel@westonfirm.com
Subject: Red v. Kraft - Joint Stipulation Regarding Plaintiffs' Motion to Compel

Dean,

Attached please find Plaintiffs' draft Joint Stipulation Regarding their Motion to Compel. Also attached are the related Notice of Motion and supporting declaration in substantially the form we will file them.

Please take note that pursuant to Local Rule 37-2.2, your client is required to deliver its portion of the Joint Stipulation within 7 days, after which we have 1 day to file it.

Very truly yours,
Jack

Jack Fitzgerald
The Weston Firm
2811 Sykes Court
Santa Clara, California 95051
Phone: (408) 459-0305
Cell: (650) 440-3170

Jessica Merkouris
Senior Paralegal
Jenner & Block LLP
353 N. Clark Street
Chicago, IL 60654-3456
Tel (312) 840-7826
Fax (312) 527-0484
JMerkouris@jenner.com
www.jenner.com

CONFIDENTIALITY WARNING: This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

Exhibit J

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
Case NO.: 2:10-CV-01028-GW (AGRx)
Pleading Type: Class Action

-----*
EVANGELINE RED and RACHEL WHITT, on
Behalf of Themselves and All Others
similarly situated,

Plaintiffs,

vs.

KRAFT FOODS, INC., KRAFT FOODS NORTH
AMERICA, and KRAFT FOODS GLOBAL, INC.,
Defendants.

-----*

DEPOSITION OF: JAMES LOW
DATE TAKEN: April 26, 2011
Livingston, NJ

Job # 37708
Reporter: Faith Kringer

1 A. I don't know specifically.

2 Q. And by Teddy, you know I mean the
3 Teddy Grahams; right?

4 A. I understand.

5 Q. And I'll refer to it as Teddy.

6 A. Okay.

7 Q. As you do; right?

8 A. I would refer to it as Teddy or Teddy
9 Grahams.

10 Q. Do you know any of the product
11 developers that worked on Teddy Grahams?

12 A. I don't.

13 Q. Do you know the names of any persons
14 associated with the Teddy product from -- let's say
15 from 2005 to presently that worked on any aspect of
16 Teddy?

17 MR. PANOS: Well, I think he already
18 gave you several names.

19 MR. MARRON: I mean, now that we've
20 been talking names so it might have refreshed his
21 recollection.

22 THE WITNESS: Tracy Luckner was the
23 brand manager for a portion of that time.

24 BY MR. MARRON:

25 Q. Anyone else?

1 A. I can't recall a specific name.

2 People change jobs frequently, so it can be tough
3 to put dates and times next to a person's name.

4 Q. Yes, but do you know anybody that may
5 have been associated with that product?

6 MR. PANOS: Product, you mean Teddy
7 Grahams?

8 MR. MARRON: I mean Teddy Grahams,
9 yes.

10 THE WITNESS: May have?

11 BY MR. MARRON:

12 Q. Yes. Just anybody that you think that
13 you --

14 A. It's possibly that Naomi Rosenfeld
15 worked on Teddy Grahams.

16 Q. What was her position?

17 A. I believe -- and, again, I'm not sure,
18 but I believe she was a brand manager on Teddy
19 Grahams.

20 Q. Are you aware of any adverse health
21 claims made by people in the industry regarding
22 trans fats?

23 MR. PANOS: I'm going to object to the
24 form and being outside the scope. You can answer,
25 if you can.

1 product improvement, consumer promotion, a
2 sponsorship, all of those things.

3 As far as who I would talk to within
4 the marketing organization, it depends. We have a
5 wide variety of groups within the marketing
6 organization of Kraft beginning with our CMO who
7 sits in Northfield, a marketing services
8 organization that includes planners, that includes
9 consumer research organization, that includes
10 cohort analysis, that includes pricing analytics,
11 includes consumer promotions, consumer relationship
12 management, consumer and customer engagement, sales
13 people who -- that are although technically not
14 part of the marketing organization -- might also be
15 consulted depending on the advertising and where
16 and how it was going to run, as well as other brand
17 marketers, our advertising director, just a wide
18 range of people. It depends.

19 Q. Is your -- the amount of your greatest
20 involvement in the marketing is -- and correct me
21 if I'm wrong -- but it's mostly in the design of
22 the packaging?

23 MR. PANOS: Object to the form of the
24 question. I don't think that's what he said.

25 MR. MARRON: No. I'm asking it.

Exhibit K

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

EVANGELINE RED and RACHEL
WHITT, on Behalf of Themselves and
All Others Similarly Situated,

Plaintiffs,

vs.

KRAFT FOODS INC., KRAFT
FOODS NORTH AMERICA, and
KRAFT FOODS GLOBAL, INC.,

Defendants.

Case No. CV10-01028 (GW) (AGRX)
Pleading Type: Class Action

**STIPULATION REGARDING
NUMEROSITY AND STATES
WHERE PRODUCTS WERE SOLD**

Judge: Hon. George H. Wu
Action Filed: February 11, 2010

Defendant Kraft Foods Global, Inc.¹ ("Kraft Foods"), by its attorneys Jenner & Block
LLP, hereby stipulates as follows:

1. The class proposed in the Second Amended Complaint, were it to be
certified, would contain at least 1,000 members.

2. The class proposed in the Second Amended Complaint is so numerous
that joinder of all members would be impracticable. Kraft Foods will not assert a lack
of numerosity as a basis to oppose class certification.

3. The products specifically shown in the labels incorporated in pages 16 to
48 of the Second Amended Complaint were sold to numerous of Kraft Foods'
customers, who it is believed offered them for sale in all fifty states for purchase by

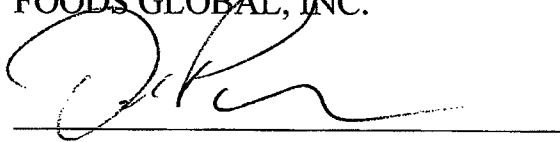
¹ Only Kraft Foods is a proper party to this suit. Nonetheless, Kraft Foods also enters this stipulation
on behalf of Kraft Foods North America and Kraft Foods Inc.

1 consumers.

2
3 **IT IS SO STIPULATED.**

4
5 Dated: June 10, 2011

KRAFT FOODS INC., KRAFT FOODS
NORTH AMERICA, and KRAFT
FOODS GLOBAL, INC.

7
8 

9 By one of their attorneys

10 JENNER & BLOCK LLP
11 Dean N. Panos (*pro hac vice*)
12 dpanos@jenner.com
13 Stacy S. Jakobe (*pro hac vice*)
14 sjakobe@jenner.com
15 Jill M. Hutchison (*pro hac vice*)
16 jhutchison@jenner.com
17 353 N. Clark Street
18 Chicago, IL 60654-3456
19 Phone: (312) 222-9350
20 Fax: (312) 527-0484

21 JENNER & BLOCK LLP
22 Kenneth K. Lee (Cal. Bar No. 264296)
23 633 West 5th Street, Suite 3500
24 Los Angeles, CA 90071-2054
25 Phone: (213) 239-5100
26 Fax: (312) 239-5199

27 Attorneys for Defendants
28

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of June 2011, a copy of the Stipulation Regarding Numerosity and States Where Products Were Sold was served on the following parties by U.S. Mail and by e-mail:

Gregory S. Weston
The Weston Firm
888 Turquoise Street
San Diego, CA 92109
858-488-1672
480-247-4553 (fax)
greg@westonfirm.com


John Joseph Fitzgerald, IV
The Weston Firm
888 Turquoise Street
San Diego, CA 92109
858-488-1672
858-247-4553 (fax)
jack@westonfirm.com

Melanie Rae Persinger
The Weston Firm
888 Turquoise Street
San Diego, CA 92109
858-488-1672
858-247-4553 (fax)
mel@westonfirm.com

Ronald A. Marron
Law Offices of Ronald A. Marron, APLC
3636 4th Street, Suite 202
San Diego, CA 92103
619-696-9066
619-564-6665 (fax)
ron.marron@gmail.com

Dated: June 10, 2011

KRAFT FOODS INC., KRAFT FOODS
NORTH AMERICA, and KRAFT
FOODS GLOBAL, INC.


By one of their attorneys

JENNER & BLOCK LLP
Dean N. Panos (*pro hac vice*)
dpanos@jenner.com
Stacy S. Jakobe (*pro hac vice*)
sjakobe@jenner.com
Jill M. Hutchison (*pro hac vice*)
jhutchison@jenner.com
353 N. Clark Street
Chicago, IL 60654-3456

Phone: (312) 222-9350

Fax: (312) 527-0484

JENNER & BLOCK LLP

Kenneth K. Lee (Cal. Bar. No. 264296)

633 West 5th Street

Los Angeles, CA 90071-2054

Phone: (213) 239-5100

Fax: (213) 239-5199

Attorneys for Defendants

Exhibit L

1

2

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
Case NO.: 2:10-CV-01028-GW (AGRx)
Pleading Type: Class Action

4

5

-----*
EVANGELINE RED and RACHEL WHITT, on
Behalf of Themselves and All Others
similarly situated,

7

Plaintiffs,

8

vs.

9

KRAFT FOODS, INC., KRAFT FOODS NORTH
AMERICA, and KRAFT FOODS GLOBAL, INC.,

10

11

Defendants.

12

13

14

15

DEPOSITION OF: JAMES LOW

16

DATE TAKEN: April 26, 2011

17

Livingston, NJ

18

19

20

21

22

23

24 Job # 37708

25 Reporter: Faith Kringer

1 change to the Teddy Grahams packaging?

2 A During this timeframe, with the documents
3 that have been provided, yes, there was research
4 conducted.

5 Q Do you have any firsthand
6 experience other than just your review of documents
7 in preparation for this deposition about that
8 research?

9 A About the Teddy Grahams research? No,
10 because I was not at Kraft during most of that.

11 Q Okay. When was that research done?

12 A The Teddy Grahams packaging research? I
13 mean, again, I would have to go back to these
14 documents. I would assume that it was completed in
15 '08, '09 timeframe, at least it had to have been
16 '08, because '09 is when I took over in the middle
17 of the year and we didn't do -- we hardly did
18 anything on Teddy Grahams, if we did anything.

19 MR. FITZGERALD: Okay. This one,
20 please.

21 (Whereupon a document titled
22 "Snacks B.U. Health and Wellness, Calorie Reduction"
23 dated March 30, 2010, is marked as Exhibit P-6 for
24 identification.)

25 Q Miss Strobels, I'm handing you

EXHIBIT M

JENNER & BLOCK LLP

Kenneth K. Lee (Cal. Bar No. 264296)

klee@jenner.com

633 West 5th Street, Suite 3500

Los Angeles, CA 90071-2054

Phone: (213) 239-5100

Facsimile: (213) 239-5199

JENNER & BLOCK LLP

Dean N. Panos (*pro hac vice*)

dpanos@jenner.com

Stacy S. Jakobe (*pro hac vice*)

sjakobe@jenner.com

Jill M. Hutchison (*pro hac vice*)

jhutchison@jenner.com

353 N. Clark Street

Chicago, IL 60654-3456

Phone: (312) 222-9350

Fax: (312) 527-0484

Attorneys for Defendants Kraft Foods Global, Inc., improperly sued as Kraft Foods North America, and Kraft Foods Inc.

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

EVANGELINE RED and RACHEL
WHITT, on Behalf of Themselves and
All Others Similarly Situated,

Plaintiffs,
vs.

KRAFT FOODS INC., KRAFT
FOODS NORTH AMERICA, and
KRAFT FOODS GLOBAL, INC.,

Defendants.

No. CV10-01028 (GW) (AGRX)

**DECLARATION OF ELLEN M.
SMITH IN SUPPORT OF KRAFT
FOODS GLOBAL, INC.'S
OPPOSITION TO PLAINTIFFS'
MOTION TO COMPEL**

Judge: Hon. George H. Wu
Action Filed: February 11, 2010

DECLARATION OF ELLEN M. SMITH ISO KRAFT FOODS GLOBAL, INC.'S
OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL
CV10-01028 (GW) (AGRX)

1 I, Ellen M. Smith declare:

2 1. I am currently employed as Chief Counsel at Kraft Foods Global, Inc.
3 ("Kraft Foods"), Snacks & Confectionery Business Unit. I submit this Declaration in
4 support of Defendant Kraft Foods Global, Inc.'s Opposition to Plaintiffs' Motion for
5 Class Certification. I have personal knowledge of the facts set forth below, and if
6 called as a witness, I could and would testify competently to those facts.

7 2. I have held the position of Chief Counsel at the Kraft Foods Snacks &
8 Confectionery Business Unit (and its predecessors, the Snacks Business Unit and the
9 Snacks & Cereals Business Unit), located in East Hanover, New Jersey, since April 10,
10 2006. From April 5, 2004 through April 9, 2006, I was employed as Senior Counsel –
11 Snacks & Cereals (and Senior Counsel – Biscuits, Snacks & Confections) at this Kraft
12 Foods location. The Snacks & Confectionery Business Unit for which I currently
13 serve as Chief Counsel has amongst its portfolio of products: Teddy Grahams Graham
14 Snacks (including Cinnamon, Honey, Chocolatey Chip, and Mini Honey varieties),
15 Vegetable Thins Baked Snack Crackers, Ritz Crackers (including Roasted Vegetable,
16 Hint of Salt, Reduced Fat, and Whole Wheat varieties), Original Premium Saltine
17 Crackers, Honey Maid Grahams (including Honey and Low Fat Honey varieties), and
18 Ginger Snaps.

19 3. Kraft Foods' Snacks & Confectionery Business Unit is located in East
20 Hanover, New Jersey. The products at issue in Plaintiffs' Second Amended Complaint
21 – Teddy Grahams Graham Snacks (including Cinnamon, Honey, Chocolatey Chip, and
22 Mini Honey varieties), Vegetable Thins Baked Snack Crackers, Ritz Crackers
23 (including Roasted Vegetable, Hint of Salt, Reduced Fat, and Whole Wheat varieties),
24 Original Premium Saltine Crackers, Honey Maid Grahams (including Honey and Low
25 Fat Honey varieties), and Nabisco Ginger Snaps (collectively the "Products") – are all
26 managed by Kraft Foods' Snacks & Confectionery Business Unit.

27 DECLARATION OF ELLEN M. SMITH ISO KRAFT FOODS GLOBAL, INC.'S
28 OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL
CV10-01028 (GW) (AGRX)

1 4. Kraft Foods has over 37,000 employees in the United States, the majority
2 of whom are involved in some aspect of marketing, manufacturing, or developing
3 Kraft Foods' products. To the best of my knowledge, there is no central organization
4 chart that shows all Kraft Foods employees, even within the Snacks & Confectionery
5 Business Unit, that are responsible for the products at issue.

6 5. Research and development related to the Products takes place at a Snacks
7 & Confectionery Business Unit facility in East Hanover, New Jersey. This research
8 and development activity includes but is not limited to product formulations and
9 packaging.

10 6. The Snacks & Confectionery Business Unit has a Consumer Insights and
11 Strategies group. The Consumer Insights and Strategies group in East Hanover, New
12 Jersey is responsible for analytics and understanding consumer needs related to the
13 Products.

14 7. The brand teams and brand managers for all of the Products are located at
15 the Snacks & Confectionery Business Unit in East Hanover, New Jersey. The brand
16 teams and brand managers for each of the Products are responsible for running the
17 day-to-day business related to the Products, developing and implementing strategic
18 plans, and supporting any consumer research related to the Products. The relevant
19 brand manager or brand director is the primary person responsible for the marketing of
20 the product and leads the development of marketing campaigns and advertising for that
21 product. The brand team for a particular product has responsibility for designing
22 packaging for that product.

23 8. I am generally aware of where products in the Snacks & Confectionery
24 Business Unit are manufactured. To the best of my knowledge and based on my
25 investigation to date, none of the Products were manufactured in California at any time
26 from 2006 to 2010.

27
28 DECLARATION OF ELLEN M. SMITH ISO KRAFT FOODS GLOBAL, INC.'S
 OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL
 CV10-01028 (GW) (AGRX)

1 9. Facilities that manufactured Teddy Grahams Graham Snacks (including
2 Cinnamon, Honey, Chocolatey Chip, and Mini Honey Snak Sak varieties) include
3 facilities located in: Philadelphia, Pennsylvania; Toronto, Canada; Mexico City,
4 Mexico; and Monterrey, Mexico.

5 10. Vegetable Thins Baked Snack Crackers are produced solely in Canada.
6 Facilities that manufactured Vegetable Thins are located in Toronto, Canada and
7 Montreal, Canada.

8 11. Facilities that manufactured Ritz Crackers (including Roasted Vegetable,
9 Hint of Salt, Reduced Fat, and Whole Wheat varieties) include facilities located in:
10 Richmond, Virginia; Philadelphia, Pennsylvania; and Chicago, Illinois.

11 12. Facilities that manufactured Original Premium Saltine Crackers include
12 facilities located in: Portland, Oregon; Richmond, Virginia; Chicago, Illinois; Atlanta,
13 Georgia; Fair Lawn, New Jersey; Princeton, Kentucky; and Philadelphia,
14 Pennsylvania.


15 13. Facilities that manufactured Honey Maid Grahams (including Honey and
16 Low Fat Honey varieties) include facilities located in Chicago, Illinois; Philadelphia,
17 Pennsylvania; Toronto, Canada; Atlanta, Georgia; McComb, Ohio; and Monterrey,
18 Mexico.

19 14. The facility that manufactured Ginger Snaps is located in Philadelphia,
20 Pennsylvania.

21 FURTHER AFFIANT SAITH NOT.

22 I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT THE
23 FOREGOING REPRESENTATIONS ARE TRUE TO THE BEST OF MY
24 INFORMATION, KNOWLEDGE AND BELIEF.

25 Dated: June 15, 2011

26 
27 Ellen M. Smith

28 DECLARATION OF ELLEN M. SMITH ISO KRAFT FOODS GLOBAL, INC.'S
OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL
CV10-01028 (GW) (AGRX)

EXHIBIT N

JENNER & BLOCK LLP

Kenneth K. Lee (Cal. Bar No. 264296)

klee@jenner.com

633 West 5th Street, Suite 3500

Los Angeles, CA 90071-2054

Phone: (213) 239-5100

Facsimile: (213) 239-5199

JENNER & BLOCK LLP

Dean N. Panos (*pro hac vice*)

dpanos@jenner.com

Stacy S. Jakobe (*pro hac vice*)

sjakobe@jenner.com

Jill M. Hutchison (*pro hac vice*)

jhutchison@jenner.com

353 N. Clark Street

Chicago, IL 60654-3456

Phone: (312) 222-9350

Fax: (312) 527-0484

Attorneys for Defendants Kraft Foods Global, Inc., improperly sued as Kraft Foods
North America, and Kraft Foods Inc.

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

EVANGELINE RED and RACHEL
WHITT, on Behalf of Themselves and
All Others Similarly Situated,

Plaintiffs,

vs.

KRAFT FOODS INC., KRAFT
FOODS NORTH AMERICA, and
KRAFT FOODS GLOBAL, INC.,

Defendants.

No. CV10-01028 (GW) (AGRX)

**DECLARATION OF JILL M.
HUTCHISON IN SUPPORT OF
KRAFT FOODS GLOBAL, INC.'S
OPPOSITION TO PLAINTIFFS'
MOTION TO COMPEL**

Judge: Hon. George H. Wu
Action Filed: February 11, 2010

DECLARATION OF JILL M. HUTCHISON ISO KRAFT FOODS GLOBAL, INC.'S
OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL
CV10-01028 (GW) (AGRX)

1 I, Jill M. Hutchison, declare:

2 1. I am counsel for the Defendants – Kraft Foods Inc., Kraft Foods North
3 America, and Kraft Foods Global, Inc. (collectively “Kraft”) – in the matter captioned
4 above. I have personal knowledge of the facts set forth below, and if called as a
5 witness, I could and would testify competently to those facts.

6 2. In March and April 2011, I made multiple trips to the Kraft Snacks
7 business unit located in East Hanover, New Jersey for purposes of locating and
8 collecting documents responsive to Plaintiffs’ discovery requests. At the Snacks
9 business unit, I worked with a team of attorneys, paralegals, and computer forensics
10 specialists to identify individuals who might have documents and information
11 responsive to Plaintiffs’ discovery requests.

12 3. Attorneys on the team interviewed more than 55 individuals who, for
13 some portion of the 2006 to 2010 time period, were involved in the marketing on one
14 or more of the following products: Teddy Grahams Graham Snacks Cinnamon; Teddy
15 Grahams Graham Snacks Honey; Teddy Grahams Graham Snacks Chocolatey Chip;
16 Teddy Grahams Graham Snacks Mini Honey Snak Sak; Vegetable Thins Baked Snack
17 Crackers; Ritz Crackers Roasted Vegetable; Ritz Crackers Hint of Salt; Ritz Crackers
18 Reduced Fat; Ritz Crackers Whole Wheat; Original Premium Saltine Crackers; Honey
19 Maid Grahams Honey; Honey Maid Grahams Low Fat Honey; and Nabisco Ginger
20 Snaps (collectively “the products”).

21 4. We collected both hard copy and electronic documents from individuals
22 we identified as having responsive information.

23 5. For purposes of class certification discovery, for the thirteen products at
24 issue, we collected and produced the final version of packaging, advertising,
25 marketing, or promotional materials that were publicly disseminated in California and
26 nationwide. We also collected and produced the final versions of Kraft Foods’ brand

27
28
DECLARATION OF JILL M. HUTCHISON ISO KRAFT FOODS GLOBAL, INC.’S
OPPOSITION TO PLAINTIFFS’ MOTION TO COMPEL
CV10-01028 (GW) (AGRX)

1 plans, marketing plans, market research, and other consumer insights reports. We
2 produced over 3,800 pages of documents.

3 6. Based our interviews with the more than 55 custodians who were still
4 employed by Kraft as of March and April 2011, we understand that these individuals
5 together have a massive number of e-mails. Among those involved in marketing and
6 promotions, many individuals had thousands of e-mails in folders designated for a
7 particular brand or product. Some individuals did not have a folder system within their
8 e-mail but instead had thousands of "hits" when a product name was searched within
9 their e-mails. Several individuals had so many e-mails that a search by product name
10 timed out, and it was impossible to obtain a quantifiable estimate of the number of e-
11 mails they may have.

12 7. Even a targeted collection, utilizing searches and taking into account
13 custodians' filing systems to locate documents related to the products, would be an
14 enormous undertaking.

15 8. Kraft Foods undertook extensive efforts to prepare the two Rule 30(b)(6)
16 witnesses on the topics for which they were offered. These witnesses were provided
17 with all of Kraft's packaging, advertising, brand and marketing plans, and consumer
18 research from 2006 to 2010 for the products at issue. Both 30(b)(6) witnesses spent
19 many hours reviewing these documents and obtaining information from Kraft Foods
20 employees to be prepared to testify on the topics for which they were offered.

21 FURTHER AFFIANT SAITH NOT.

22 I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT THE
23 FOREGOING REPRESENTATIONS ARE TRUE TO THE BEST OF MY
24 INFORMATION, KNOWLEDGE AND BELIEF.

25
26 Dated: June 13, 2011



Jill M. Hutchison

27
28 DECLARATION OF JILL M. HUTCHISON ISO KRAFT FOODS GLOBAL, INC.'S
OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL
CV10-01028 (GW) (AGRX)